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Some Aspects of British
Rule in India

BY

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F. E. HAYNES, PH. D., Editor

SOME ASPECTS OF BRITISH RULE IN INDIA

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To Mr.
Anderson

PREFACE

The usual point of view of the English rulers of India is that all is well in India. It may be frankly stated that this idea is generally accepted outside of India. In these pages the writer makes an attempt to present some aspects of British rule in India from the angle of the ruled. I may add that I am fully aware and duly appreciative of the many solid advantages of English rule; and if I have not dwelt on those aspects of Indian administration it is because I have considered it more important just now to point out certain evils and suggest constructive reforms. The policy of repression which characterizes the modern regime is, I believe, doing much harm. For the sake of the Empire responsible English statesmanship should give earnest consideration to the betterment of conditions in India.

It is a pleasure for me to make grateful acknowledgements to Dr. Benjamin F. Shambaugh for his generous encouragement and very helpful criticism, and to Professors H. G. Plum, Paul S. Peirce, and E. N. S. Thompson for many valuable suggestions. My cordial thanks are also due to Dr. Fred E. Haynes for editorial supervision and revision. In addition I take this opportunity to express my deep appreciation of the kindness of Mr. Ramananda Chatterjee, the distinguished editor of the premier magazine of India, *The Modern Review* (Calcutta), in sending to me some of the earlier volumes of his periodical, and for his generous permission to use portions of my articles which have appeared in his *Review*.

SUDHINDRA BOSE

Iowa City, Iowa

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I

INDIA BEFORE THE ADVENT OF THE ENGLISH

Failing to discover in the early records of India genealogies of kings, accounts of wars, and chronicles of conquest and plunder, European historians have sometimes criticised the ancient Hindus as lacking in historical sense. Indeed, they have gone so far as to declare that the people of India are without ancient history.¹ That these modern critics are essentially materialistic in their views is evident; for their conception seems to be based on the notion that history, to be worthy of the name, must be made up chiefly of the titles and dates of rulers, accounts of their dynasties, and records of their changing fortunes of war. Thus, they quite overlook the fact that the ancient history of India, unlike that of any other nation of similar antiquity, is essentially spiritual. This history has never concerned itself specially with so-called "historical events", but gives information about the religion, the laws, and the customs of the Indo-Aryans. It reflects the development of mind, the progress of culture, and the advancement of knowledge. In a word, it is a story of what has been most important in the actual life of the Hindu people; and its sources are the treasure-trove of Indian literature.

The history of the Indo-Aryans begins with their settlement on the banks of the Indus in the province of Punjab. Though the date of their colonization is impossible of exact determination, it has been variously estimated as between 2000 and 1400 B. C. Moreover, modern researches seem to indicate that these early settlers were a branch of the great Aryan family,² and that their ancestors once had a common religion,³ a common tongue,⁴ and a common home in the table-lands of Central Asia.⁵ When the Aryans came to India they brought with them a civilization

of their own, which is clearly reflected in the *Vedas*,⁶ the *Ramayan*, the *Mahabharat*, and other ancient writings.⁷ From these sources we learn that the Punjab Aryans were chiefly agriculturists⁸ and that they called themselves *Arya*, a word which comes from a Sanskrit root meaning plough.⁹ They knew something of the arts of weaving and carpentry, and they used metals, such as gold, silver and iron. That they were acquainted with the use of weapons is evidenced by the fact that swords, helmets, armor, and arrows are mentioned frequently in their ancient literature. "Architecture too had made some advance, and there are allusions to 'mansions with a thousand pillars'."¹⁰ Ships and chariots were also familiar objects referred to by the composers of early hymns.

With the progress of time the simplicity of Aryan life gave place to a more complex and more elaborate civilization. But this civilization was not material; on the contrary, it was essentially intellectual and deeply spiritual. To enter upon a discussion of the various phases of this culture is beyond the scope of the present inquiry; suffice it to say in this connection that "there is scarcely a problem in the science of ontology, psychology, metaphysics, logic, or grammar, which the Indian sages have not sounded as deeply, and discussed as elaborately, as the Greeks".¹¹ Here we are more intimately concerned with those aspects of Indian civilization which bear upon methods of administration. And since it has been asserted that "the fundamental principle of all Hindu polity is the division of castes",¹² we shall at once begin with an investigation of the caste system as preliminary to a study of the Hindu concept of government.

- The early Aryans of the Punjab were total strangers to caste.¹³ They were a homogeneous people. They had the same aims and purposes in life. They did not require that division of labor which later became the central factor in the caste system. But as time passed, the Aryans increased in number, spread over a larger area, and came into collision with the dark-skinned aborigines, known as Dasyas. A host of new problems now confronted the conquering Aryans. Society had grown larger and more complex; it had outgrown its older and simpler laws; its numerous functions could only be carried on by a proper distribution

of labor. Moreover, the conquered aborigines had become a menace to the Hindu civilization. Hindu society must be kept pure from non-Aryan influences, and at the same time the non-Aryan peoples must be given sufficient protection.¹⁴ How could this two-fold purpose be best accomplished?

When the Europeans, in comparatively modern times, colonized America and Australia, they faced the same problem which confronted the early Aryan settlers in Hindustan thousands of years before. The policy pursued by the European colonizers led to the gradual extinction of the native population. The Indo-Aryans, on the contrary, appear to have been more humane in their treatment of the original inhabitants of India. They did not believe in extermination; they endeavored to preserve, civilize, Hinduize, and absorb the conquered peoples. To be sure, their methods of assimilation sowed the seeds of caste, but whatever may be said against the caste system, it had at least one saving grace; it provided a place for the conquered people in the social scheme of the conquering race.

Caste emphasized the interdependence of social groups. It showed that the Vaisyas (cultivators), though by nature excellent farmers, could not successfully devote themselves to agriculture if their land was not protected against the inroads of the enemy by the Kshatrias (military men). In the same way it was made clear that religion, the chief factor in a man's life, could not be taught by any and every person. Only those who were "inwardly still", who had practiced asceticism and self-renunciation, and had lived holy lives, were fit to minister unto the souls of others. These spiritual teachers, in order that they might fully consecrate themselves to God's work, unhampered by worldly affairs, were to be supported by the community. They were Brahmins. Thus the three classes,—Kshatrias, Vaisyas and Brahmins,—represented three great interests, the military, the agricultural, and the religious. There was still need of a fourth class to attend to domestic service, and those who performed this necessary work were known as Sudras. They were mostly the aborigines who had not the power to assimilate the higher elements of the Aryan culture. They were not

slaves; they simply occupied the lowest rung of the social ladder.¹⁵

This four-fold division of Hindu society was based on *gunas* and *karmas* (qualities and actions).¹⁶ Each caste or class, was formed for the sole purpose of discharging the function for which it had special talent, and each was dependent upon the other. Thus the caste system in India was simply a logical method of dividing labor with the object of securing a maximum of social efficiency and responsibility with a minimum of social friction.¹⁷ Moreover, such a horizontal division of society into classes is by no means peculiar to India.¹⁸

Caste rules in the early days were liberal and elastic, admitting of free social intercourse. For instance, intermarriage and dining together were permitted and practised. There was even frequent passage from one caste to another.¹⁹ The Sudras often rose to the ranks of the Brahmans, and the Brahmans as often degenerated into the Sudras.

The form of government known to the early Aryan Hindus was, of course, monarchial, and the ancient writers often used bold figures to describe the authority of the king. Manu himself describes the chief magistrate as one of the incarnations of the gods.²⁰ But this statement, in view of the many restrictions which he laid upon the power of the king, cannot be regarded as anything more than a poetic figure introduced to suggest high authority and great antiquity. We are no more justified in looking upon the Hindu king as an incarnation of divinity than upon the English king in the same way because he assumes the title of the "Lord's anointed". What the lawgiver sought by calling the king an eight-fold incarnation of the gods was "to idealize into the form of an allegory, the old standard of the rights and duties of kingship."²¹

The king was by no means a lawless despot. In the *Mahabharat* we are told that "one becometh a king in order that he may uphold righteousness, and not that he may conduct himself capriciously. The king is the protector of the world, O Mandhata! If he act righteously he attaineth to the honors of a veritable God upon earth. But if he act unrighteously, he sinketh into hell. All creatures rest upon righteousness; and righteousness, in turn,

resteth upon the king. That king alone is a true king who upholds righteousness. If he fail to chastise unrighteousness, the Devas (gods) desert his mansions, and he incurreth obloquy among men".²² Manu is no less emphatic on this point, saying that "he (the king) shall zealously and carefully protect his subjects".²³ "The protection of subjects is the cream of kingly duties." "That King, indeed, is ever worthy of honour who ensures the safety (of his subjects)".²⁴ Again, "a king who does not afford protection, (yet) takes his share in kind, his taxes, toll, and duties, daily presents and fines, will (after death) soon sink into hell".²⁵ With a view to eliminate opportunities for the indulgence of individual whims, Manu even laid down the following rules for the king's daily life:

"Having arisen in the last watch of the night, having performed (the rite of) personal purification, having, with a collected mind, offered oblations in the fire, and having worshipped Brahmans, he shall enter the hall of audience which must possess the marks (considered auspicious for a dwelling)."²⁶

"Tarrying there, he shall gratify all subjects (who come to see him by a kind reception) and afterwards dismiss them; having dismissed his subjects, he shall take counsel with his ministers."²⁷

"Ascending the back of a hill or terrace, (and) retiring (there) in a lonely place, or in a solitary forest, let him consult with them unobserved".²⁸

"At midday or at midnight, when his mental and bodily fatigues are over, let him deliberate, either with himself alone or with his (ministers), on virtue, pleasure, and wealth".²⁹

Next the king is given an exhaustive list of subjects for serious deliberation. "Having thus consulted with his ministers on all these (matters), having taken exercise, and having bathed afterwards, the king may enter the harem at midday in order to dine".³⁰ After dinner he was to amuse himself with his wives, and then "adorned (with his robes of state), let him again inspect his fighting men, all his chariots and beasts of burden, the weapons and accoutrements".³¹

"Having performed his twilight-devotions, let him, well

armed, hear in an inner apartment the doings of those who make secret reports and of his spies.³²

“But going to another secret apartment and dismissing those people, he may enter the harem, surrounded by female (servants), in order to dine again.³³

“Having eaten there something for the second time, and having been recreated by the sound of music, let him go to rest, and rise at the proper time free from fatigue”³⁴.

As noted in the foregoing quotations, the king was enjoined in the discharge of his public duties to be guided by a capable ministry. “Let him appoint seven or eight ministers whose ancestors have been royal servants, who are versed in the sciences, heroes skilled in the use of weapons and descended from (noble) families, and who have been tried”³⁵. A learned Brahman was at the head of the ministry, and the king was required not to act without the advice of the Prime Minister. It is significant that the description of the court of King Dasarath, as given in the *Ramayan*, is in strict conformity with the composition of the court laid down by Manu.

“The courtiers of the son of Ikshvaku were richly endowed with good qualities, intelligent, and faithfully devoted to the interests of their royal master. Eight virtuous ministers directed the affairs of government. The two priests made choice of by him were the illustrious Vasishtha and Vamadeva. To them were added other inferior councillors to the number of six. With these holy sages were associated the ancient priests of the king, discreet, submissive, profoundly skilled in the law, and masters of their desires. With the assistance and counsel of such advisers Raja Dasarath governed his kingdom”³⁶.

The *Mahabharata* gives the following well-known description of the ministry:

“Four pure and clever Brahmans well-read in the Vedas, having their teachings fresh in their minds; eight strong and armed Kshattriyas; twenty-one Baishyas; three mild and pious Shudras, regular in their daily prayers; and one duly qualified Suta, well-read in the Puranas—these should be engaged as Ministers. The ministers should be of the age of fifty, clever, void of jealousy and avarice, well-read in the Shrutis and Smritis (there

were three Shudras among them), humble, impartial, capable of settling disputes, and not addicted to hunting, gambling, and the kindred vices. Of these Ministers, the King himself should deliberate with a sub-committee of eight Ministers and settle rules. Then these rules should be proclaimed in the kingdom, and shown to all citizens. By such means you should always look after the well-being of your subjects”.³⁷

As a rule, the eldest son succeeded to the throne of the father, and on the failure of issue the king could adopt a son. The successor was expected to be worthy of the great trust imposed on him, and his succession must be approved by the people. The ancient Hindu literature abounds in instances where the claims of the eldest son were set aside because he lacked kingly qualities and because there was popular opposition to his rule. Yayati disregarded the claims of his four eldest sons and chose Puru, the youngest, as his successor, on the ground that Puru was by far the best-fitted man for the royal office. The fate of Asmanja was equally tragic. He was driven out of the kingdom by his father Sagara because he was an oppressor of the people. Again, when King Dasarath wanted to install his son Rama upon the throne of Ajodha, he asked for the approval of his subjects. They with their leaders first counseled together, then advised the king to “speedily install thy son, endowed with noble qualities, resembling the God of Gods, ever intent upon the welfare of the whole state”.

The Hindu books constantly refer to the king as *Dharmabatar* (justice in the flesh). His chief duty was to dispense justice “according to principles drawn from local usages and from the Institutes of the sacred law”.³⁸ If the king did not wish to try the suits himself, he appointed a learned Brahman to take his place.³⁹ *Sukra-niti* says: “If a king cannot decide, he should appoint a man learned in the Vedas, of good family, self-controlled, impartial, pleasing, firm, afraid of the next world, calm If a learned Brahman could not be obtained, then a Kshatria should be appointed, or a Vaisya who knows the dharma science, but the Sudra should be avoided with care”.⁴⁰ Thus it will be seen that it was not the Brahman class alone, but the Kshatria and the Vaisya also who were eligible to serve as judges.

Manu speaks of the appointment of assessors. He urges that the assessors should be none but Brahmins.⁴¹ *Sukra-niti* is at one with Manu on this point. It urges that "a king who wishes to examine the cases should enter the Assembly with learned Brahman assessors."⁴²

Manu gives detailed rules to guide the procedure of the court. Whatever may be the sins of omission or commission with which our latter-day jurists may accuse Manu, certainly they cannot charge him with hair-splitting in legal procedure. Professor Buhler is right when he says that Manu "pays more attention to the moral side of the duties incumbent on the judge and the other persons concerned, than to the technicalities".⁴³ Again and again the judges are urged to render just decisions.

"But where justice, wounded by injustice, approaches, and the judges do not extract the dart, there (they also) are wounded (by the dart of injustice)".⁴⁴

"Where justice is destroyed by injustice, or truth by falsehood, while the judges look on, there they shall also be destroyed".⁴⁵

"One quarter of (the guilt of) an unjust (decision) falls on him who committed (the crime), one quarter on the (false) witness, one quarter on all the judges, one quarter on the king".⁴⁶

Manu also gives elaborate laws on evidence. He points out who are qualified to be witnesses and who are not.⁴⁷ He provides punishment for those who refuse to give evidence as well as for those who bear false witness.⁴⁸

It should always be borne in mind that the Hindu king was not regarded as above the law. Neither was he a law-giver. "Law", says Sankara, "is the king of kings, far more powerful than they".⁴⁹ The king had little opportunity to play tyrant as far as the law was concerned; for the law was made by the Brahmanic leaders of the community, and was interpreted by the Brahmins. The king was simply charged with its execution. He administered it with the assistance of legal counsellors. Moreover, the Brahmins exercised great control over the arbitrary powers of the king. They frequently undertook to depose kings who took the law into their own hands.⁵⁰ Manu indicates that the misgovernment of a tyrant king not only constitutes a default

of the ruler's title, but even a forfeit of his life. "That king who through folly rashly oppresses his kingdom, (will), together with his relatives, erelong be deprived of his life and of his kingdom".⁵¹ Thus it is clear that though the ancient form of government in India was monarchial, the rulers were limited, in the exercise of power, the king occupying the position of one who reigned rather than ruled.

The principal source of the king's income was taxation and the royal domain. The taxes, moreover, were very moderate, the ratio of taxation varying according to the value of the property taxed. Gautama gives the following laws for taxation:

"Cultivators (must) pay to the king a tax (amounting to) one-tenth, one-eighth, or one-sixth (of the produce)."⁵²

"Some declare that (there is a tax) also on cattle and gold, (viz.) one-fiftieth (of the stock)."⁵³

"In the case of merchandise one-twentieth (must be paid by the seller) as duty."⁵⁴

"(and) of roots, fruits, flowers, medicinal herbs, honey, meat, grass, and firewood, one-sixtieth".⁵⁵

"Each artisan shall monthly do one (day's) work (for the king)."⁵⁶

"He must feed (these persons while they work for him)".⁵⁷

As most of these taxes were paid in kind and were proportionate to the produce, they worked little hardship on the persons taxed. In lean years when there was no crop there was no tax. The king was repeatedly warned against high taxation. "The king shall always fix in his realm the duties and taxes in such a manner that both he himself and the man who does the work receive (their due) reward. As the leech, the calf, and the bee take their food little by little, even so must the king draw from his realm moderate annual taxes".⁵⁸ "Let him not cut up his own root (by levying no taxes), nor the root of other (men) by excessive greed; by cutting up his own root (or theirs), he makes himself or them wretched".⁵⁹

No one who reflects for a moment on these laws of taxation, and upon the other administrative principles already referred to, will fail to be impressed with the fact that the Hindus had a very well developed system of government from fifteen hun-

dred to two thousand years ago.⁶⁰ Nor were the laws which are found in the ancient books mere "paper-laws"; they were enforced both in letter and in spirit. The early travelers who, from time to time, visited India, have described it as a country where the people were law-abiding, peaceful, and prosperous. Megasthenes, who was sent as an ambassador (317-312 B. C.) by the Greek king Seleucus of Bactria to the court of the Emperor Asoka, thus describes the people of India as he saw them:

"They live happily enough, being simple in their manners and frugal. They never drink wine, except at sacrifices..... The simplicity of their laws and their contracts is proved by the fact that they seldom go to law. They have no suits about pledges and deposits, nor do they require either seals or witnesses, but make their deposits and confide in each other. Their houses and property they generally leave unguarded. These things indicate that they possess sober sense..... Truth and virtue they hold alike in esteem. Hence they accord no special privileges to the old unless they possess superior wisdom".⁶¹

As the present method of farming in India is not essentially different from that of ancient times, it will be interesting to note what Megasthenes had to say about the old-time agricultural prosperity. He mentions "many vast plains of great fertility, more or less beautiful, but all alike intersected by a multitude of rivers. *The greater part of the soil moreover is under irrigation*, and consequently bears two crops in the course of the year. It teems at the same time with animals of all sorts, beasts of the field and fowls of the air, of all different degrees of strength and size..... In addition to cereals, there grows throughout India much millet, which is kept well watered by the profusion of river streams, and much pulse of different sorts, and rice also, and what is called bosporum, as well as many other plants useful for food, of which most grow spontaneously. The soil yields, moreover, not a few other edible products fit for the subsistence of animals about which it would be tedious to write. It is accordingly affirmed that *famine has never visited India, and that there has never been a general scarcity in the supply of nourishing food*".⁶²

The following account of the system of government then in force has great historic value:

"Those who have charge of the city are divided into six bodies of five each. The members of the first look after everything relating to the industrial arts. Those of the second attend to the entertainment of foreigners. To these they assign lodgings, and they keep watch over their modes of life by means of those persons whom they give to them for assistants. They escort them on the way when they leave the country, or in the event of their dying, forward their property to their relatives. They take care of them when they are sick, and if they die bury them. The third body consists of those who inquire when and how births and deaths occur, with the view not only of levying a tax, but also in order that births and deaths among both high and low may not escape the cognizance of Government. The fourth class superintends trade and commerce. Its members have charge of weights and measures, and see that the products in their season are sold by public notice. No one is allowed to deal in more than one kind of commodity unless he pays a double tax. The fifth class supervises manufactured articles, which they sell by public notice. What is new is sold separately from what is old, and there is a fine for mixing the two together. The sixth class consists of those who collect the tenths of the prices of the articles sold".⁶³

The Chinese travelers—among whom Fa Hian's in the fifth century after Christ, and Houen Tsang in the seventh century, might be mentioned—bear the same eloquent testimony to the advanced civilization in India as did Megasthenes several hundred years before. Of the many interesting accounts of Indian life given in Fa Hian's journal, the following description of the free hospitals at Pataliputra is significant:

"The nobles and householders of this country have founded hospitals within the city to which the poor of all countries, the destitute, crippled, and the diseased may repair. They receive every kind of requisite help gratuitously. Physicians inspect their diseases, and according to their cases order them food and drink, medicine or decoctions, everything in fact that may con-

tribute to their ease. When cured, they depart at their convenience”.⁴

Houen Tsang, who lived in India for about fifteen years, speaks of the laws and government of India as he knew them in terms of praise. He says:

“As the administration of the country is conducted on benign principles, the executive is simple..... The private demesnes of the crown are divided into four principal parts: the first is for carrying out the affairs of state and providing sacrificial offerings; the second is for providing subsidies for the ministers and chief officers of state; the third is for rewarding men of distinguished ability; and the fourth is for charity to religious bodies, whereby the field of merit is cultivated. In this way the taxes on the people are light, and the personal service required of them is moderate. Each one keeps his own worldly goods in peace, and all till the ground for their subsistence. Those who cultivate the royal estates pay a sixth part of the produce as tribute. The merchants who engage in commerce come and go in carrying out their transactions. The river passages and the road barriers are open on payment of a small toll. When the public works require it, labor is exacted, but paid for. The payment is in strict proportion to the work done.

“The military guard the frontiers, or go out to punish the refractory. They also mount guard at night around the palace. The soldiers are levied according to the requirements of the service; they are promised certain payments, and are publicly enrolled. The governors, ministers, magistrates, and officials have each a portion of land assigned to them for their personal support”.⁵

Thus it appears that foreign historians from the fourth century B. C. to the seventh century A. D. left the record that India was prosperous under the Hindu kings; that justice was impartially administered; that the people were God-fearing; and that the taxes were equitably levied. These accounts, it should be observed, do not tally with the pictures of poverty, injustice, and oppression so often associated with the rule of the Hindu Rajas by certain modern European writers on government.

It is of course not the intention of the writer to maintain the

thesis that the government in ancient India was a model of what constitutes good government. The wonder is that the system of administration could really be brought to such an advanced state in those primitive times. The ancient government of India may appear very crude to us; but we must not forget the changed character of the times in which we are now living. The phenomenon which goes by the name of the modern state is after all of very recent growth. Professor Bluntschli dates its birth from the year 1740.⁶⁶

Perhaps the most interesting fact concerning the ancient government of India is the discovery that in the village community there existed the true germs of the representative principle. "The Indian village or township", says Monier-Williams, "meaning thereby not merely a collection of houses forming a village or town, but a division of territory, perhaps three or four miles or more in extent, with its careful distribution of fixed occupations for the common good, with its intertwining and interdependence of individual, family, and common interests, with its provisions for political independence and autonomy, is the original type, the first germ, of all divisions of rural and civic society in mediaeval and modern Europe. It has existed almost unaltered since the description of its organization in Manu's code".⁶⁷

According to the account given by Manu, each village was an administrative unit. An officer, appointed by the king, was placed over each village, and under him the Village Panchayt (Council of Five) attended to the administration of the village. The officers of one village reported to the officers of ten villages, forming a district. The officers of ten villages reported to the officers of twenty; and the officers of twenty to officers of a hundred; and they in turn to the officers of a thousand.⁶⁸ The officers⁶⁹ of the general government served as mere tax-collectors.⁷⁰ The internal administration of the village was not interfered with by the central authority. The local government was left in the hands of the village community and its representative body, the Panchayt.

Each village was then a self-governing community, and its members were practically free and independent. They voiced their wishes and opinions directly or through their representatives, forming the Panchyat or the Assembly of Five.¹¹ The only tie which existed between the central government and the village community was to be found in the tax paid by the village to the government.

Lieutenant-Colonel Mark Wilks, who visited India early in the nineteenth century, has left the following graphic account of the village community as he saw it in Southern India:

“Each Hindu township is, and indeed always was, a particular community or petty republic by itself; and furnishes us with a vivid representation of the early state of things, when men first joined themselves together in societies for the purpose of relieving their mutual wants. Every community of the above kind, in addition to the landed proprietors, contains twelve different members; the judge and magistrate (Potal); the registrar; the watchman of the place and the fields; the distributor of water for the purpose of inundation; the astrologer, for determining lucky and unlucky days and hours; the cartwright; the potter; the washerman of the few garments for which there is occasion, and which are generally manufactured in the family itself, or purchased at the nearest market; the barber; and lastly, the goldsmith, or maker of ornaments for the women and young maids, who is in many villages replaced by the poet (rhapsodist) and schoolmaster. These twelve functionaries are paid either in land, or in a certain quantity of grain, furnished by the agriculturists of the community. The whole of India is nothing more than one vast congeries of such republics. The inhabitants, even in war, are dependent on their respective Potails, who are at the same time magistrates, collectors, and principal farmers. They trouble themselves very little about the fall and dismemberment of empires; and provided the township with its limits, which are exactly marked out by a boundary line, remain intact, it is a matter of perfect indifference to them who become sovereign of the country; and therefore their internal administration always continues the same”¹².

Another eye-witness gives about the same description of the

village communities of Northern India. In his *Minutes* of 1830, Sir Charles Metcalf (once a member of the Governor-General's Council, and afterwards Acting Governor-General of India) thus speaks in favor of these village communities:

"The Village Communities are little republics, having nearly everything that they want within themselves, and almost independent of any foreign relations. They seem to last where nothing else lasts. Dynasty after dynasty tumbles down; revolution succeeds revolution; Hindu, Pathan, Moghal, Maharatta, Sikh, English, are masters in turn; but the village communities remain the same. In times of trouble they arm and fortify themselves; a hostile army passes through the country; the village community collect their cattle within their walls, and let the enemy pass unprovoked. If plunder and devastation be directed against themselves and the force employed be irresistible, they flee to friendly villages at a distance, but when the storm has passed over they return and resume their occupations. If a country remain for a series of years the scene of continued pillage and massacre, so that the village cannot be inhabited, the scattered villagers nevertheless return whenever the power of peaceable possession revives. A generation may pass away, but the succeeding generation will return. The sons will take the places of their fathers, the same site for the village, the same position for the houses, the same lands, will be re-occupied by the descendants of those who were driven out when the village was depopulated; and it is not a trifling matter that will drive them out, for they will often maintain their post through times of disturbance and convulsion, and acquire strength sufficient to resist pillage and oppression with success".¹³

These "little republics" which have existed through all the ages are now rapidly becoming a thing of the past. The Indian people who have had such immemorial training in self-government are now being robbed of their inherent rights in this ancient institution. The enforced disappearance of village communities is mainly due to two causes: first, the centralization of authority in the English courts, with the consequent withdrawal of powers from the village community; secondly, the demand of English rulers for increased revenue satisfied by making direct

settlements with the individual tenants instead of a collective settlement with each village community." Of all the great losses which India has suffered from English control, "the virtual extinction of the old forms of self-government, and the disappearance of those ancient village communities of which India was the first home among all countries of the earth" is undoubtedly the most deplorable.

II

INDIA UNDER THE MOGHALS AND THE EAST INDIA COMPANY

In the preceding chapter an attempt was made to characterize the modes of government which prevailed in India from the earliest time down to approximately the Buddhist period. During the Buddhist rule the administration seems to have been essentially the same as under the preceding Hindu control. Following the Buddhist regime, India was subjected to Mohammedan invasions and conquests, covering a period of about eleven centuries (from 646 to 1761). "They represent in Indian history the overflow of the tribes and peoples of central Asia to the southeast; as the Huns, Turks, and various Tartar tribes disclose in early European annals the westward movements from the same great breeding-ground of nations."¹⁵ Since our chief concern is with the problems of modern India, it will be only necessary in this connection to present a bare outline of the general modes of administration which preceded the final establishment of English supremacy in 1858. This period may be divided into two parts: (1) India under the rule of the Moghals; (2) India under the rule of the East India company.

The form of government in India under the Moghals was monarchial. In actual practice the king held his office by inheritance, although in theory the Mohammedan law insisted that "the ruler of the faithful should be elected by the congregation, and might be deposed for any flagrant violation of the precepts of the Koran."¹⁶ The Moghal emperors did not assume to rule the empire directly; they favored a decentralized system of administration. As a rule, they divided their empire into provinces, over each of which they placed a governor. The governor, who

was responsible to the emperor, had control of civil and military affairs in his province. The king very seldom interfered with the internal administration of the provinces, which were left practically free under their own governors.⁷⁷ The people then were not controlled, disciplined, and restrained by the government agents as they are now. The village communities which made up a province afforded to the people all the rights and privileges of free citizens within their limits, and thus they were able to retain and develop their innate capacity for independent action. To be sure, they suffered at times from the oppression of tyrannical governors, especially in the reign of such despotic emperors as Jahangir or Aurangzeb. The Moghal administration was indeed "hedged around by checks which are not always visible to the historian, and controlled by the latent forces of custom, habit, and public opinion, to which the most despotic princes and governors are occasionally compelled to bow".⁷⁸

The Moghal emperors, like the Hindu and the Budhist kings,⁷⁹ were easy of access.⁸⁰ Any subject having a grievance could easily approach the throne. Dr. Bernier, a French physician who was in India from 1659 to 1666, gives the following account of Aurangzeb's Ahm-Khas (Hall of Audience) :

"All the petitions held up in the crowd assembled in the Am-Khas are brought to the King and read in his hearing; and the persons concerned being ordered to approach are examined by the Monarch himself, who often redresses on the spot the wrongs of the aggrieved party. On another day of the week he devotes two hours to hear in private the petitions of ten persons selected from the lower orders, and presented to the King by a good and rich old man. Nor does he fail to attend the justice chamber on another day of the week, attended by the two principal Kazis or chief justices".⁸¹

Law and justice were administered through established courts. In the imperial capital, justice was administered by the Mir-i-adl (Lord Justice), while in provincial towns it was left in the hands of the Kazis and Kotwals. Although there was no sharp line of demarcation between the powers of the civil and criminal courts, yet as a rule the kazi had jurisdiction over civil and the kotwal over criminal cases.⁸² The kazi has been described as the

"person who investigates the question of fact, and carries into execution what he perceives as the meaning of the law" in the *Koran*. But the kazi was more than a mere judicial officer. He sent to the governor of the province frequent reports on the condition of the people of his districts. He encouraged agriculture by bringing waste lands under cultivation. He was the friend of the peasants, and when they needed money he offered them loans "to be repaid at convenient periods".⁸³ As he was a very important officer, the utmost care was taken in his selection.⁸⁴

The kotwal discharged the functions of the office of a magistrate. As head of the local police, he was responsible for peace and order in town.⁸⁵ In the rural districts the police duties, if there were any, were performed by the village panchayts and their watchmen.

From this it will appear that, notwithstanding the apparent racial differences and temporary discords, the Hindus and Mohammedans had equal rights before the law. "Time had welded together", writes Colonel Malleson, "the interests of the families of the earlier Mohammedan immigrant and those of the Hindu inhabitant, and they both looked alike to the law to afford them such protection as was possible".⁸⁶

The Mohammedan empire was at the zenith of its power from the reign of Akbar (1556-1605) to that of Aurangzeb (1658-1707). Akbar built up this empire by a wise policy of conciliation and pacification.⁸⁷ Although a Mohammedan, he treated all his subjects, Hindus and Mussalmans, alike. While the former Mohammedan rulers had levied the *zizyia* (a capitation tax) on the non-Mussalmans,⁸⁸ Akbar abolished all such assessments.⁸⁹ He welcomed capable men, irrespective of differences in race or religion, to serve in all the departments of the government. Raja Todar Mal, an orthodox Hindu, was his finance minister. Raja Mansing, another Hindu, was one of his greatest generals. Indeed, his most trusted counsellors, his bravest soldiers, and his faithful followers came not from the ranks of the Mohammedans but from those of the Hindus.

The character of Aurangzeb was in many respects of a type distinctly opposite to that of Akbar. The word "toleration", for instance, cannot be found in his vocabulary. He had scat-

sympathy for those who did not believe in his religion. He went so far in his Islamic zeal as to re-impose the hated *zizyia*. It was his policy of suspicion and bigotry which undermined the very foundations of the Moghal empire. When Aurangzeb died his effete successors found the great empire almost broken up as a result of his fanaticism and bigotry.

A modern writer⁸⁰ has pointed out with remarkable clearness that the Hindus all through their recorded history have displayed a wonderful genius for "intrinsic vitality and recuperative power". Cyrus, the Persian monarch, invaded India in the 6th century B. C., and Alexander, the Macedonian conqueror, in the 4th century B. C.; but very soon after they left India the Hindu kings drove out their satraps and re-established themselves in power. Emergency always brought forth great men who succeeded in expelling the foreign rulers as soon as they showed signs of despotism and decay. As a clear illustration of this fact we find that about the middle of the 3d century A. D., India had practically freed itself of foreign domination. The invasions and conquests which followed this period met with little success. The Mohammedans appeared in India as early as 1001 A. D. and set up a vast empire. But history once more repeated itself. Early in the 18th century, when the intolerance and fanaticism of the Moghal rulers had undermined the empire, the Hindus re-established their independence. The Sikhs founded a confederacy in the northwest; the Marhattas established a kingdom in the south; and the Rajputs became a great power in the southeast. On the whole, the Moghal empire, as testified by the English historian Hunter, was on the point of "reverting to the Hindus".⁸¹

It cannot be denied that the downfall of the Moghal empire led to inevitable turmoil and confusion; and before India had time to settle her disputes and put her house in order, there appeared on her shores European traders, nominally to trade but ostensibly to "protect" Hindustan—the "treasure-land of the East." This European interference was wholly gratuitous. India did neither threaten to upset the progress of the world, nor plan an invasion of Europe. She was suffering from one of those social convulsions which, sooner or later, overtake most

nations; and, like any other nation, she would herself in time have restored society to its normal conditions. What Dr. Richard Congrave, the founder of the Positivist Community in London, has said on this subject should give pause to the writers on England in India. He says:

"There was no danger, real or pretended, to Western or Eastern civilization from India. No historical record speaks of that great territory as sending forth armies of invaders for the conquest of neighboring states. All history testifies to the contrary—India has been, like Italy of later days, the prey, not the spoiler.

"Again, it was no cause of a vast extent of land insufficiently occupied, with its wealth misunderstood, its advantages lost to the race. This is the ground on which rests the occupation by more civilized nations of such countries as America and Australia.

"In fact, we may task imagination to the utmost, and not find any ground on which, before the event (Sepoy Revolt), the seizure of India by a European power could be justified. The break-up of the Mogul Empire had, it is true, disorganized all its internal relations, and given occasion to great and deplorable confusion. But that would not, now at least, be accepted as adequate justification. All the nations of modern Europe have passed through such a stage, and all would equally repel the thought of any violent interference to check the action of natural remedies. Such a state of things explains the success of our enterprise, but does not justify it".⁹²

Of the foreign intruders, such as the Portuguese, the Dutch, the English, and the French, who had schemes for carving kingdoms out of the ruins of the Moghal empire, only the English succeeded.⁹³ We shall therefore proceed to a consideration of the English rule as represented by the East India Company from the 17th to the middle of the 19th century, when the government of India passed directly under the English crown.

In its earlier years the East India Company owned no lands. It possessed three trading depots, or factories as they were called, at Bombay, Madras, and Calcutta. The factories consisted of only a few acres of land for store-houses and residences of the

company's servants, and they were rented from the local rulers.⁹⁴ The success of the English arms at Plassay (1757) and at Baxar (1764) established the company as a territorial power. In 1765 Clive "received" from the feeble Emperor of Delhi, Sha Alm, the right to the administration of Bengal for the East India Company. As an administrator Clive was a signal failure. He left the administration of law as well as the collection of revenue in the hands of the Nawab of Bengal, who was but a puppet of the company.⁹⁵ When the Nawab had collected the revenue, he was to turn it into the treasury of the company. Now, although the company had undertaken the responsibility for the administration of Bengal, its responsibility was confined mainly to the receipt of the revenues and the maintenance of the army.⁹⁶ The Nawab, not feeling that sense of personal responsibility which a sovereign feels for his subjects, undertook to collect as large an amount of revenue as possible.⁹⁷ In the meantime, the company carried on its trade as before; and its employees, who also engaged in private trade on their own account, busied themselves in the amassing of huge fortunes. Under this dual system of government, the people were sorely oppressed.

In 1766, the year after receiving the grant of Bengal, the proprietors of the company raised their dividends from six to ten per cent., and a year later to twelve and one-half per cent.⁹⁸ In 1770 when the terrible famine of Bengal carried away a third of its people, the directors, undeterred by any fine scruples of moral obligation to their subjects, declared dividends at the rate of twelve and twelve and one-half per cent.⁹⁹ And in the year following the great famine, the revenue exacted from the people exceeded that of the year before.¹⁰⁰

At last "the enormous fortunes suddenly amassed by the company's officers" and "the nefarious practices on which this wealth was based" aroused public attention in England,¹⁰² and the Regulating Act of 1773¹⁰³ was passed "for the better management of the affairs of the East India Company". The Act of 1773 brought about great changes. It may be regarded as the first step in the final shifting of the government of India from the East India Company to the Crown.¹⁰⁴ For the better under-

standing of this and subsequent acts, it will be well to take a glance at the political conditions prior to this period.

Before 1773 the ultimate control of the East India Company was in the hands of the Court of Directors and the General Court of Proprietors located in London,¹⁰⁵ while in India, in each of the three presidencies of Madras, Bombay, and Bengal, the affairs were looked after by a president and a council of senior civil servants. The number of the councillors varied from twelve to sixteen. The governor, who was the president of the council, was bound by the decision of the majority of the council, and had only a casting vote.¹⁰⁶ The presidencies were totally independent of one another, being responsible for their administration to the authorities of the company in England.

The Act of 1773 organized the government of Bengal. It provided that Bengal should have a governor-general with a council composed of four members. The governor-general and the council of Bengal were also given limited control over the Madras and Bombay presidencies, in which the president and council form of government were still retained.

The Act of 1784¹⁰⁷ made the English government directly responsible for the administration of India. It created a Board of Control,¹⁰⁸ which was composed of the Chancellor of the Exchequer, a Secretary of State, and four other members of the Privy Council. The administrative power was left in the hands of twenty-four directors, who had a large appointive power. They could choose the governor-general, governors, and commanders-in-chief, subject to the approval of the Crown. The Board of Control had the final authority over all the actions of the directors with one exception, namely, the directors could recall any servant of the company including even the governor-general.¹⁰⁹ The directors could initiate all new measures—excepting the determination of war and peace.¹¹⁰ The war power of the Board of Control more than once plunged India into wars, which would not have happened if the directors had been in control.¹¹¹ It was through the folly of the Board of Control that India was involved in that disastrous Afghan War of 1838, which cost her 15,000 men and “ten millions sterling”. It was

also the Board of Control which was to blame for the occupation of Seinde and the Burmese War.¹¹²

The Act of 1784 introduced further changes in the composition of the governor-general's council, which was reduced from four to three members. With respect to Bombay and Madras, the government in each of these presidencies was to consist of a governor and three councillors. The governor-general as well as the governors had only a casting vote in the councils. The necessity of abiding by the decision of the majority afforded a healthy check upon the arbitrary powers of the governor-general. However, when Cornwallis was appointed governor-general in 1786, an act was passed which gave him the veto with which to override the majority of his council. It is from this date that the governor-general of India assumed the powers of one of the most absolute rulers that the civilized world has ever known.

By the Act of 1833¹¹³ the East India Company ceased "to be not simply exclusive traders, but traders in any character whatever"¹¹⁴ and became only rulers and administrators. The significant part of this act was the provision that the company, which had made its profits and acquired its dominions out of the Indian revenues, should continue to draw "an annual dividend at the rate of £10, 10s. per cent. on the whole amount of their capital stock (i. e., £630,000 a year)";¹¹⁵ this amount to be met by taxes levied on the Indian tax-payers! It was also enacted that forty years after this act, the company's dividend should be subject to redemption by the government on payment to the company of £200 for every £100. Further it was arranged that if, twenty years after this act, there should be no company or it should be deprived "of the possession and government of India by the authority of Parliament, it should be entitled to demand the redemption of the said dividend within a year, and provision shall be made for redeeming the said dividend, after the rate aforesaid, within three years after such demand".

The Act of 1833 made the governor-general of Bengal, the governor-general of India. He was given more direct control over the presidency governors than ever before.¹¹⁶ Unfortunately, in actual practice, the control was exercised in very few instances. "The governor-general in council in Calcutta", said Lord Har-

dinge, "very seldom interferes with the internal arrangements of the Madras and Bombay governments; he does so in finance when an expenditure in money is required, and in Legislative Acts; but in revenue, police, and judicial matters, he seldom, if ever, interferes".¹¹⁷

By the act of 1773 the company was required to renew its charter every twenty years. Accordingly the company was allowed, after thorough investigations into all the branches of its administration, to renew its charter in 1793, 1813, and 1833, but when the charter act of 1853¹¹⁸ was enacted, it ordered the company to hold its territorial possessions only in trust for the Crown until further directions from the Parliament. It also relieved the governor-general of India of the administration of Bengal, which was then placed under a separate lieutenant-governor.

By the act of 1858¹¹⁹ India was transferred from the company to the Crown. It enacted that "the dividend on the capital stock of the East India Company: and all the bond, debenture, and other debt of the company should be charged and chargeable upon the revenues of India alone".¹²⁰ Hence, to this day, India is paying dividend to a defunct company. In 1898 when the Philippine Islands were acquired by the United States, it paid twenty million dollars out of its own treasury, and not a cent of it was charged to the Philippine revenue. Even when Nigeria was taken in 1900 from the Royal Niger Company, the English paid £565,000 to the company, and not a penny was charged to Nigeria.

Furthermore, this Act of 1858 abolished the Court of Directors and the Board of Control. The president of the Board of Control now became the Secretary of State for India, and assumed the sole responsibility for its administration. The Secretary, who was the nominee of the Crown, was to be assisted by a council of fifteen members, and was to have a seat in the cabinet.

Under the dual government as established by the Act of 1784, the directors were the initiating body, and, "not being the body which finally decides", it filled an important place in the scheme of the Indian administration. The court of directors could only hope to prevail upon the board of control to accept a measure when it proved to be reasonably prudent. Thus each acted as

a check upon the other. Under the altered arrangements one man, the Secretary of State, was invested with the power of initiating measures and giving the final order to enforce those measures. John Stuart Mill, Lord Hardinge, and other English statesmen, who had experience in the administration of Indian affairs, made energetic protests against this form of government through a crown minister.

The opinion of John Stuart Mill, who had been for thirty years an assistant examiner of Indian correspondence (1823-1853) is particularly worth recalling. He said that such a government "would be the most complete despotism that could possibly exist in a country like this; because there should be no provision for any discussion or deliberation, except that which might take place between the secretary of state and his subordinates in office, whose advice and opinion he should not be bound to listen to; and, who, even if he were, would not be responsible for the advice or the opinion that they might give".¹²¹ That time has thoroughly justified the prophecy of Mill there is no ground for doubt.

In concluding this chapter a brief comparison may be profitably made between the Moghal rule and that of the East India Company. In the past, when India was subjected to foreign conquests, the conquerors made their homes in India, they cast their lot with the people of India, and they became a part of the Indian population.¹²² It has been said that they taxed the people heavily; but the taxes, even granting that they were high, when gathered remained in the country, and sooner or later found their way back to the tax-payers. Perhaps the greatest benefit which the Indian people derived from the Moghal rule was the share to which they were admitted in their administration.¹²³ The experience and wisdom gained in the service of their country became a valuable national asset. It may be that the government was not as satisfactory and its officers not as efficient as they might have been. Nevertheless, the wide opportunity it offered the people for training in the civic affairs of the nation more than counterbalanced any obvious defects in the administrative machinery.

Over against this, the servants of the East India Company,

as Burke once said, were "birds of passage and beasts of prey".¹²⁴ They had no abiding interest in the welfare of the country. As befitted the representatives of the "nation of shop-keepers", they were concerned in making their own fortunes and cared little about the fate of India. It was, in fact, a rule of carpet-baggers, of men who came out to India with empty carpet-bags and returned home with chests stuffed with Indian gold. The colossal fortunes which the East India Company¹²⁵ and its servants¹²⁶ accumulated are now a matter of common knowledge. The chief point to be noted is that the money the English made, unlike that of the Moghals, instead of being accumulated in India, was shipped across the ocean never to return.¹²⁶

But the economic drain to which India was subjected was not the only evil which followed in the train of the company. The people were practically excluded from all participation in the administration. The injustice of supplanting the people of the country by imported English youths, ignorant of the customs and languages of India, has been pointed out by more than one English historian.¹²⁷ The policy of excluding the Indians from legitimate participation in the affairs of their own government was morally and economically wrong. Acts such as these represent from the Indian point of view the ethical standard and the political conscience of the English in their attitude toward India, more truly than all the "aid and comfort"¹²⁸ they have given the Christian missionary in the conversion of Indian "heathen".

III

THE POLITICAL CONSTITUTION OF INDIA

The government of India to-day is a despotism. Final authority is vested with the Secretary of State for India¹²⁹ who is assisted by a council called the Council of India. Its membership at present does not exceed fourteen; neither does it fall below ten. To this body no Indians were admitted prior to 1907, but now there are two Indians who have seats in the council. The members are appointed by the Secretary of State, and to him they are all responsible. Their tenure of office is seven years, but under special circumstances they may be re-appointed for five years longer. The council has no power of initiative; it is merely an advisory board. The Secretary dominates it completely. Should all the members reject a policy, the Secretary has the right to override the majority and carry the measure through. Ordinarily, the Secretary does not issue an order without bringing it before the council or placing it for a week on the table in the council room for the information of the councillors. When, however, in the opinion of the Secretary of State a subject should be kept secret, he can altogether withhold it from the council and keep the members "less informed of the course of affairs than the secretaries and clerks of the office".¹³⁰ There is a formal provision in the Act of 1858 that in financial matters the Secretary shall take no action "without the concurrence of a majority of votes at a meeting of the Council". But in actual practice this power of the councillors is not as great as it seems, since it refers only to "the ordinary business of the administration". In matters of large expenditure, the Secretary can act not only without the consent, but even without the knowledge of his council.¹³¹

If one were to criticize this arrangement it would be to say that the council should be not merely an advisory body, to be consulted by the Secretary at his pleasure, but an administrative body before which all matters relating to India should be brought and that the Secretary should be guided by its majority decision. The two Indian members, who are now selected by the Secretary, should be elected by the Imperial Council, or, as the late Honourable G. K. Gokhale once suggested, "by an electoral college composed of the elected members of the various Legislative Councils in India".¹³² Moreover, instead of only the Secretary and the Under Secretary, all the members of the council should have seats in Parliament with the right to vote on Indian questions. So far India has been denied representation in Parliament. The admission of the councillors to Parliament would be a step in the direction of a much needed administrative reform. Further, India should not be made to pay the cost of maintaining the India Office in London and provide the high salary of the Secretary of State for India. In the case of the colonies, England maintains the Colonial Office and pays the salary of the Secretary of State for the Colonies. Why should India be treated differently from the colonies?

The highest administrative authority in India is vested in the viceroy or the governor-general. In theory he is the official representative of the King of England and is an appointee of the Crown, but in practice he is appointed by the party in power and is subordinate to the Secretary of State for India.¹³³ When a policy is laid down by the Secretary of State for the government of India, the viceroy has practically no option; he has either to follow it or resign.¹³⁴ His term of office, which is not legally fixed, usually does not exceed five years.¹³⁵

The viceroy is aided by two councils. One of these is called the executive and the other the imperial council. The viceroy presides over both the councils as an "absolute president". The executive council consists of the viceroy, the commander-in-chief (who is an extraordinary member), and six ordinary members appointed by the King on the advice of the Secretary of State. Until very recently all members of this council have been of the

ruling race. Since 1909, however, an Indian has been admitted to membership.

To facilitate administration, the business of the council is distributed among the members under the following ten departments; finance, foreign, home, legislature, revenue and agriculture, public works, army, commerce and industry, railway, and education. Each of these departments is placed under a secretary, who acts under the direction of a member of the council. The members have a joint and common responsibility to the viceroy, who is not bound to consult the executive council on every important subject, and much less is he required to abide by its decision. As an instance of his independence of the council one may cite the fact that in case of "urgent necessity" he may issue ordinances and regulations which have the effect of law for six months.

The council has no stated time of meeting. It convenes at the pleasure of the viceroy. In 1908 when the so-called "seditions unrest" was at its highest, and the government was busy adopting various repressive measures, the executive council was not called together more than twelve times during the whole year.¹³⁶ The council is a close oligarchy, and all its meetings are held behind closed doors and secure from public scrutiny.¹³⁷

The imperial council is chiefly devoted to the consideration of legislation. It has sixty-eight members, thirty-six of whom are nominated and thirty-two elected. The people in general have no direct voice in the election of the members to the imperial council. "Indian members of each provincial council, themselves elected by a certain number of delegates from the local boards including one member from the local university, return two members to the imperial council".¹³⁸ They are in no way responsible to the people for their action in the legislature.

The power of the members of the imperial council is limited to "initiating advice and suggestions in the form of definite resolutions". Unimportant as it is, there is not much freedom even in moving a resolution. For instance, a member cannot move a resolution that will challenge the accuracy of the budget. Indeed, the presiding officer has the full right to ignore any resolution. When a resolution is carried it has "effect only as a

recommendation" to the viceroy. The council is not allowed free discussion. Among subjects not open for discussion are the following; interest on debt, ecclesiastical, political, territorial and political pensions, state railways, army, marine, military works and defence, and special defence charges.¹³⁹ The right of the legislators to ask the government questions has been hedged about by numerous conditions and restrictions. "A member who wishes to ask a question shall give notice in writing to the Secretary at least ten clear days before the meeting of the Council at which he desires to put the question, and shall, together with the notice, submit a copy of the question which he wishes to ask". Of course "the President may disallow any question, or any part of a question, without giving any reason therefor other than that in his opinion it cannot be answered".¹⁴⁰

Since 1874 the Secretary of State for India has claimed the right of previous sanction before the introduction of important measures in the legislative council. The Marquis of Salisbury, who was then the Indian Secretary of State, in a despatch to the governor-general wrote: "I see no sufficient reason why the circumstance, often quite accidental, that your Excellency's orders take a legislative form should deprive me of all official information concerning them until a period at which it becomes peculiarly difficult to deal with them".¹⁴¹ Salisbury then ruled that "Whenever the Governor-General in (Executive) Council has affirmed the policy and expediency of a particular measure, and has decided on submitting it to the Council for making laws and regulations, I desire that a despatch may be addressed to me, stating at length the reasons which are thought to justify the step intended to be taken, and the mode in which the introduction is to be carried out". From that time on it has become the custom of the viceroy to telegraph to the Secretary of State every important measure, before it is introduced to the council. This rule now practically warrants the Secretary of State in dictating to the viceroy "the form which these and other measures should assume, and even a direction to the Governor-General that measures so initiated and formulated be passed by the Legislative Council".¹⁴² When an act has been passed by the imperial council it does not *ipso facto* become valid. In order to

acquire validity, it must receive the formal assent of the viceroy.

The governor-general of India enjoys the unique distinction of having the only itinerant legislature in the world. Although the seat of his legislative council is generally at Delhi, the capital city of India, he may order it to meet at any place. A number of times within the last few years important laws were passed at Simla, in the fastnesses of the Himalyas, far away from any of the cities where the non-official members had their homes. When Lord Curzon enacted, in 1905, the law partitioning Bengal into two parts at a session at Simla, not a single non-official could be present. Again, when that most repressive measure, officially styled the Seditious Meetings' Act, was passed in 1907 in the Himalyan solitudes, only three non-official members were there to register their protest votes.¹⁴³

British India is divided into the following fifteen provinces; Madras, Bombay, Bengal, United Provinces of Agra and Oudh, the Punjab, Burma, Bihar and Orissa, the Central Provinces and Berar, Assam, North-Western Frontier, Ajmer-Merwar, Coorg, Baluchistan, Delhi, and Andaman and Nicobar Islands. The first three of these provinces are under governors appointed by the Crown. The next four provinces are under lieutenant-governors appointed by the viceroy, while the Central Provinces and Berar, Assam, Coorg, and Delhi are each under a chief commissioner. As to the remaining provinces, the arrangement is as follows; North-Western Frontier Province is ruled by a chief commissioner and agent to the governor-general, Ajmer-Merwar by an agent to the governor-general, Rajputana by a chief commissioner; Baluchistan by an agent to the governor-general and chief commissioner; and Andaman and Nicobar Islands by a chief commissioner and superintendent of Port Blair. A province is again split into separate divisions under commissioners, and each division is subdivided into districts under an officer variously styled collector-magistrate, deputy-commissioner, or collector. The districts are from two to ten thousand square miles in extent with a population of from one to three million inhabitants. It is these districts which form the unit of administration.

The provinces are under the supervision of the viceroy, but

they have some measure of self-government. Bengal has a legislative council of 54 members, Bombay 48, Madras 48, United Provincees 50, Bihar and Orissa 45, Assam 26, the Punjab 27, Burma 18, and Central Provinces 26.¹⁴⁴ Moreover, the governors of Bombay and Madras have each an executive council consisting of three members. Since 1910 Bengal has also had an executive council. Until 1909 Indians were always excluded from these councils. In that year, the Indian Councils Act prescribed that all executive councils should have one Indian member.¹⁴⁵

The line between the jurisdiction of the provincial and imperial council is not quite easy to draw. Generally, the provincial legislature confines itself to making laws for its own province, while the imperial council enacts laws that are applicable to India as a whole although it can pass special laws for a particular province.¹⁴⁶

Broadly speaking, the provincial council, like the imperial council, consists of two classes of members, official and non-official. The Indian Councils Act of 1909 enacted that in the provincial council (unlike the imperial council) there should be a "non-official majority". This is misleading. The non-official members are not, as the term would seem to imply, popularly elected members. Of the so-called non-official majority some are elected by the people and some are elected by the government, but as a rule the government manages to have a clear majority.¹⁴⁷

The process of "electing" members to the provincial council may be roughly stated as follows: "A limited proportion of the general population elects a certain number of members to the municipal and district boards, to which a certain proportion of nominated members elect two or three delegates (except in Madras, where under the new Regulations the members of the boards directly elect the members of the council). The delegates thus elected by a certain number of municipal and district boards form a constituency to return a member to the Provincial Council".¹⁴⁸

The members of the provincial council can do as little in actual law-making as the members of the imperial council. The rules for asking questions and for participating in debates in both councils are framed on about the same lines. Every act of

the provincial council, in order to become valid, must receive the sanction first of the governor or the lieutenant-governor, and then that of the viceroy. Even after the viceroy has given his seal of approval, the act may be set aside if it does not meet the wishes of the Secretary of State for India. The Indian legislative council is not an instrument of popular government and it is not intended to lead up gradually to such a situation.¹⁴⁹ Indeed so far as popular control is concerned, the council is of slight importance.¹⁵⁰

The suffrage is extremely limited, being based on property, birth, creed and residence. The franchise law works such exclusion that in a city of a hundred or two hundred thousand people not more than twenty or twenty-five are legal voters. Another significant phase of the narrow suffrage is that it specially tends to exclude the educated classes. At present their voting strength is hardly one per cent. of their total number.¹⁵¹

The government should adopt an equitable system of proportional representation for the legislative councils. Of the non-official members, the Mohammedans are now given a larger representation, far in excess of their numerical strength. They are also granted more liberal franchise privileges than any other community in India. This principle of unequal representation has been well explained by a member of English Parliament in a recent work on India. He takes Eastern Bengal as a typical illustration. In this province, he points out, "a Hindu must pay 5,000 rupees as revenue, a Mohammedan 750 rupees only, as a qualification for a vote for the Zemindari election. The cess qualification of the former is 1,250 rupees, of the latter 188 rupees. The payment of income tax, the receipt of a Government pension and being an Honorary Magistrate do not qualify Hindus for voting. They do qualify Mohammedans. Qualifications for election on the Provincial Council show the same injustice to the Hindu. And this, be it remembered, is not in a Province where there is a Mohammedan minority, but an overwhelming Mohammedan majority".¹⁵²

Such special favors to a privileged community are unwarrantable. The inevitable consequence of basing the franchise on classes and creeds is religious antagonism. Apart from the

doubtful ethics of the question involved, favoritism in polities accentuates grave social unrest, arrests the growth of complete national unity, and obstructs the path of future advancement.

It has been asserted with a good deal of plausibility that the ultimate responsibility for Indian government rests in Parliament through the Secretary of State for India.¹⁵³ An examination of the nature of this responsibility is therefore necessary to a clearer understanding of the political relation between India and England. To be sure, the Secretary of State is a cabinet minister and has a seat in Parliament. But the mere fact that he is a cabinet member does not mean that he always has to consult his colleagues on Indian questions.¹⁵⁴ Neither is there any certainty that he has to follow their advice. There are many instances of the dissolution of the English cabinet because of differences of opinion on questions of home government, but there is not a single instance when such a thing has happened because of the disagreement among the members on Indian affairs.

In theory the Indian government is responsible to the English Parliament, but in practice it is responsible to only one man, namely, the Secretary of State. Lord Morley in defending his position as a Secretary of State for India unconsciously admitted this fact when he said :

"Consider the most recent experiences. The House of Commons elected at the beginning of 1906 represented the high-water mark of all the opinions, leanings, principles, sentiments, convictions, that would naturally be most jealous, critical, and suspicious of any system necessarily worked upon non-democratic principles. Yet has any House ever shown more reserve in handling Indian business?..... If a question is serious in the degree of its embarrassment, and if the Minister says so, says that to answer is against the public interest, the thing falls".¹⁵⁵

Here Lord Morley strikes the true key-note of Indian administration and parliamentary responsibility. Any Secretary of State, no matter how despotic he is in his relation to India, can defy the inquiries of the House on the simple plea of expediency and "embarrassment". In 1882 an official enquiry was made as to the average income of the people of India. It was found out that this income was slightly over one penny for each person per

day. Repeated questions were then preferred in the House of Commons to show the details and produce the record of the investigation; but the Secretary of State, fearing public exposure, refused to do so on the grounds of "embarrassment".¹⁵⁶ Instances of this kind can easily be multiplied. In 1908, when about a dozen Indian leaders were deported from India without trial and without charge of any kind, the Secretary of State for India was asked to explain the unusual procedure. He practically dodged his responsibility to Parliament by the effective use of "embarrassment".¹⁵⁷

We have already seen that with the enactment of the India Act of 1858 India passed under a less responsible government than had existed since its connection with England. "Till then we have had two important safe-guards. The first was the wholesome jealousy felt by Parliament towards the East India Company as a privileged corporation. The other was the necessity for the renewal of the Company's charter at the end of every thirty years. At each of these renewals the Company's official administration had to justify its existence; there was searching inquiry into grievances; and there never was a renewal without the grant to the public of important reforms and concessions suited to the progressive condition of Indian affairs. Now unfortunately both these safe-guards are lost. The official administrators, who used to be viewed with jealousy, have now been admitted into the innermost sanctum of authority; and, as Council to the Secretary of State, form a secret Court of Appeal for the hearing of all Indian complaints. They first decide all matters in India, and then retire to the Indian Council at Westminster to sit in appeal on their own decisions. Such a method of control is a mockery, a snare and a delusion. This evil is very far-reaching, for when a decision is passed at the India Office the Secretary of State becomes committed to it, so that if an independent member tries to take up the case in the House of Commons, he finds himself confronted, not by a discredited company, but by the full power of the Treasury Bench".¹⁵⁸ Had the old East India Company's checks and balances been still in force, the Secretary of State, as the supreme head of the Indian government, would have been forced to give a full account of

his Indian stewardship in Parliament, and not take refuge under such belated shibboleths as "embarrassment" and "state reasons".

In connection with this matter of responsibility, one must not forget that the rank and file of the members of Parliament are either ignorant of or indifferent to Indian questions. The Parliament itself is already so paralyzed with overwork that it has scarcely any time for due consideration of Indian affairs.¹⁵⁹ Take the matter of the annual Indian budget in the Parliament. While months are spent on the discussion of the British budget, a few hours is all that is spared for the Indian budget. It is generally introduced on the last day of the Parliament when only with great difficulty can a quorum be mustered.¹⁶⁰ The obvious reason for this is that in the case of the British budget the members are responsible to the British constituencies, but in the case of the Indian budget they are responsible to no one.

The injustice of ruling India by such a parliamentary farce has been recognized by more than one English statesman. The English premier, W. E. Gladstone, once wrote that the administration of India "depends upon a cabinet, which dreads nothing so much as the mention of an Indian question at its meetings; on a minister, who knows that the less his colleagues hear of his proceedings, the better they will be pleased; on a Council, which is not allowed to enter into his highest deliberations; and on a Parliament, supreme over them all, which cannot in its two Houses jointly muster one single score of persons who have either practical experience in the government of India, or a tolerable knowledge of its people, or its history. Thus it is that truth beats fiction, and that fable cannot keep pace with fact, nor design control results".¹⁶¹ Lord Morley himself, before he became Indian Secretary, held on this subject much the same views as did Mr. Gladstone. He once made the following statement:

"But to whom is the chief (Secretary of State for India) responsible? The efficacy of responsibility consists in its being enacted by those in whose interests the minister is entrusted with power. The Indian Minister is expected to govern in the interest of the people of India. He is responsible, not to the people of India, but to the people of England—that is to say, to those who,

from their own natural and almost inevitable ignorance, are unable to judge, with any pretensions to accuracy, of the merits and demerits of his conduct. Obviously this is not responsibility at all in the sense in which responsibility is the safeguard and warranty of the judicious use of authority".¹⁶²

Political philosophers have always maintained that the English parliamentary government is party government.¹⁶³ They have expatiated on the theme that all that is best and noblest in the English governmental system is due to the fine balance of political forces secured through the party organizations. Now as far as India is concerned there is absolutely no party line. A few years ago, Mr. Andrew Bonar Law, the Conservative leader, declared that "India should never be made a party question in the House of Commons". These words speak for themselves. Suffice it to add that if, in a parliamentary government there should be no party discussions, no party divisions on public questions, then it certainly amounts to a denial of the fundamental principle of parliamentary rule. The leaders of India are therefore right when they say that "the British Parliament is thus not only a fiction but a standing wrong to the people of this country".¹⁶⁴

IV

JUDICIAL ADMINISTRATION IN INDIA

It is the proud boast of English rulers that the foundation of the Indian Empire rests upon the solid rock of the justice of the English courts in Hindustan. The English laws and the English courts in India, they say, will remain the models for all civilized nations. Long after the English are forced to leave India these institutions will stand as an everlasting monument to the innate sense of English justice. Within the brief compass of this monograph a detailed examination of the Indian courts and their laws is impossible—only a few of the more vital problems connected with them will be discussed.

The presidencies of Madras, Bombay, Bengal, and the United Provinces of Agra and Oudh have each a high court; the Punjab has a chief court; the Central Provinces, North-Western Frontier Province, Sindh, and Coorg have each a judicial commissioner. Burma has a judicial commissioner and chief court. The judges of the high courts are drawn from the members of the Indian civil service, from the barristers, and from the Indians engaged in judicial service or in practice of law.¹⁶⁵ They are appointed by the Crown on the advice of the Secretary of State for India, and hold their office during the pleasure of the King. The high courts have original jurisdiction within their presidency towns, and they can exercise appellate and revisional jurisdiction over the judicial work of the judges and magistrates throughout the districts of the provinces for which they are constituted. In some cases appeals may be taken from the high courts, chief courts, and judicial commissioners to the judicial committee of the Privy Council in England. Immediately below these courts come the district and session judges.

Sir William Markby¹⁶⁶ classifies the Indian law under five

heads: the law expressly made for India by the English Parliament or the King; English law in force in India, though not expressly enacted for that purpose; the law made by the Indian legislative authority in India; Hindu law¹⁶⁷ and Mohammedan law.¹⁶⁸ The first of these laws are "territorial" and apply to all India, generally speaking, while the last two are "personal" and apply only to the Hindus and Mohammedans. With this brief sketch of the Indian judicial system as a background, we may now take up the discussion of a few concrete problems.

Long ago John Stuart Mill explained that the taxes levied on law proceedings are a "tax on redress, and therefore a premium on injury".¹⁶⁹ Now this premium on injury is perhaps nowhere higher than in India.¹⁷⁰ Our courts by imposing heavy stamp duties on those who seek justice virtually deny it to those who are unable to pay the price. "On every suit that comes before the Courts the Government levies duties in the shape of stamp fees, which amount to from 6 to 8 per cent. *ad valorem*, so that with pleaders' fees and other costs the litigant must pay from 12 to 13 per cent".¹⁷¹ In other words it means that justice for the most part can only be secured by the rich, and the poor, who are always the easy victims of the men of wealth, must go without it.

It would be expected that all persons would be treated equally before the law, and that there would be no distinction made on the ground of nationality. Yet such is not the fact. The law does make a distinction between an Indian and a "European British subject".¹⁷² To begin with, an Englishman can demand the privilege of the writ of habeas corpus, but an Indian cannot. He has also the right to a different form of trial from an Indian. He can only be tried by a person who is a justice of the peace. "The powers of a justice of the peace are specially conferred only on first-class magistrates who are Europeans; but District Magistrates and Session Judges are justices of the peace *ex officio*, and a native holding one of these positions would thus be competent to deal with a European offender".¹⁷³ But when a European offender is brought before a court presided over by an Indian, the European, no matter how trivial the charge, has the right to claim a trial by jury of which the majority shall be European

British subjects.¹⁷⁴ Every Indian magistrate is made to feel the sting of his nationality when a charge is brought to his court against an English offender, and he fails to try him for the lack of sufficient Europeans in the district from whom to impanel a jury. In this embarrassing situation, he has no alternative but to transfer the case to another district where a jury can be selected or to hand down the case to one of his subordinate magistrates who happens to be of European race. It goes without saying that when the European jury sits in judgment in a case where the European is a defendant and the Indian the accuser, the sympathies of the jury naturally lean to the side of their own countrymen, and the chances for the wronged Indian to get justice are extremely poor.¹⁷⁵

Not only has an Englishman the right to claim special privileges in courts and demand a different form of trial from an Indian, but the power of the Indian magistrate to award punishment is different from that of his English colleague. An English magistrate "with power to inflict a two years' sentence on an Indian, may inflict only six months on a European".¹⁷⁶

The reason for making distinctions between the Indian and the English administrators of law is not due to any difference in the judicial capacity of the representatives of the two nations. The judicial ability and integrity of the Indians have often commanded the respect and admiration of the highest authorities in England. Witness, for example, the following tribute paid to them from his seat in Parliament by the Earl of Selborne, the late Lord Chancellor:

"My lords, for some years I practiced in Indian cases before the Judicial Committee of the Privy Council, and during those years there were few cases of any imperial importance in which I was not concerned. I had considerable opportunities of observing the manner in which, in civil cases, the native judges did their duty, and I have no hesitation in saying—and I know this was also the opinion of the Judges during that time—that the judgments of the native judges bore most favorable comparison, as a general rule, with the judgments of the English judges. I should be sorry to say anything in disparagement of English judges, who, as a class, are most anxious carefully to discharge

their duty ; but I repeat that I have no hesitation in saying that in every instance, in respect of integrity, of learning, of knowledge, of the soundness and satisfactory character of the judgments arrived at, the native judgments were quite as good as those of English judges".¹⁷⁷ Is it not strange that, in spite of such convincing proof of the judicial ability of the Indian judges, they are restrained in the full exercise of their powers and in certain cases even deprived of jurisdiction over the privileged English offenders ?

It is a long time since Montesquieu pointed out how "the life and liberty of the subject would be exposed to arbitrary control" if the judiciary power were not separated from the executive.¹⁷⁸ Yet to this day the union of the executive and judicial functions in one individual forms one of the great injustices of the English judiciary in India. In spite of considerable differences in the organization of the government in most of the districts, the fundamental principle is the same everywhere. In every district, roughly speaking, there are two senior (covenanted) officers—district judge and district magistrate. The district judge tries all civil cases and such important criminal cases as are committed to the sessions. He is at the head of all subordinate judicial officers. The work of the district magistrate is far more varied.¹⁷⁹ He collects taxes and revenues, sells opium, licenses liquor-shops, and looks after primary schools and hospitals. He is the head of the police¹⁸⁰ and the supervisor of the prison, manager of the estates of minors, *ex officio* president of municipalities and many things more besides.¹⁸¹ In short, he is the chief executive officer of the district, and as such he combines in himself large judicial and executive powers.

In order to grasp the full significance of this problem it will be necessary to understand the Indian legal system on its criminal side. All petty criminal suits, outside the three presidency towns of Bombay, Madras, and Calcutta, are tried by three classes of magistrates. The powers of these magistrates, who are known as first, second and third class magistrates, vary according to their rank. "All these magistrates in a district are subordinate to the District Magistrate, who is the chief executive officer of the district, and who hears appeals from the decisions

of the second and third class of Magistrates only. Appeals, where they are admissible, from decisions of first class Magistrates, including those of the District Magistrate himself, lie in the District Judge, who is subordinate only to the High Court It is the District Magistrate who determines, according to the schedule of offenses in the Code of Criminal Procedure, to which class of Magistrate any given case is to be made over. As regards the more heinous cases which, by the Code of Criminal Procedure, cannot be tried by Magistrates, they are committed to the Court of Sessions of the district, where the Sessions Judge tries the case with the aid of two assessors whose opinions he may or may not follow, or with the aid of a jury whose verdict prevails unless the Judge differs from it and thinks fit to refer the case for the orders of the High Court. The assessors are, in each case, selected by the Judge himself from a list prepared by the Magistrate of the district and by the Judge. The jury is selected by lot out of those summoned to attend on a particular day".¹⁸²

It is generally recognized that the district magistrates, being burdened with a multiplicity of duties, have little time to try cases personally. The majority of cases are tried by the subordinate judges, who are dependent on the good will of the district magistrate for their promotion and preferment.¹⁸³ And no subordinate who values his job can afford to incur the displeasure of his superior.¹⁸⁴ "The mischief is done, not by the cases which the District Magistrate personally tries, but by his power to try such cases as he thinks fit; by his power to transfer a case from a subordinate who shows signs of independence to one who will be a ready tool in his hands; by his power to interfere, at every stage of the trial, with advice which is equivalent to a command; by his power at once to conduct the prosecution and to dictate the sentence".¹⁸⁵

An Indian advocate, who had many years of experience in criminal courts, furnished the following details of executive interference with the judiciary :

"In his Executive capacity—often on *ex parte* hearing—he comes to the conclusion, for example, that a certain person is obstructive and ought to be criminally punished, should an op-

portunity for punishing him offer itself. Such an opportunity may, in Bengal, occur at any moment. When a case does occur in which that unfortunate man is involved, the District Magistrate will probably, for fear of an application to the High Court for a transfer from his file, or for the purpose of showing apparent impartiality, refrain from trying it himself, but will make it over to a subordinate Deputy Magistrate with an expression of opinion—more frequently verbal than in writing—that the man ought to be convicted. The Deputy Magistrate, has not often the courage to acquit the man, even should he judicially come to the conclusion that the man ought to be acquitted. I remember a case in which I moved for a transfer of a criminal case from a Deputy Magistrate's file, on the ground that the District Magistrate had written a letter to his deputy suggesting that the maximum sentence be given to the prisoner. I secured the transfer because my client was lucky enough to have obtained a copy of the letter. Such instances are, I believe, of almost daily occurrence".¹⁸⁶

It is not only the judicial independence of the subordinate magistrate that is interfered with by the district officer, for the same may be said of the district judges. "A judge whose verdict or whose decision does not meet with the approval of the District Magistrate is privately reported against to the Government—it may be through the Commissioner of the Division—and the Government has the power of transferring him to an unhealthy station, or of delaying his promotion".¹⁸⁷

The history of the controversy over the separation of legislative and executive functions dates as far back as 1793. The agitation for this much-needed reform received a fresh impetus in 1896, when Mr. Manomohan Ghose published his compilation of official opinions favoring the separation, together with notes of twenty cases illustrating the evils of the present system. In July, 1899, a remarkable document was presented to Lord George Francis Hamilton, then Secretary of State for India, advocating the separation of judicial from executive duties.¹⁸⁸

This memorial was signed by such eminent men as Lord Hobhouse, legal member of the viceroy's council from 1872 to 1877; Sir Richard Garth, Chief Justice of Bengal; Sir Richard Couch,

another Chief Justice of Bengal; Sir Charles Sargent, Chief Justice of Bombay High Court from 1882 to 1895; Sir William Markby, a judge of the Calcutta High Court and afterwards Reader in Indian Law at Oxford; Sir John Budd Phear, Chief Justice at Ceylon; Sir John Scott, Judge of the Bombay High Court and later Judicial Adviser to the Khedive of Egypt; Sir William Wedderburn, Judge of the Bombay High Court; Sir Roland K. Wilson, Reader in Indian Law for forty years to the University of Cambridge; and Mr. Herbert J. Reynolds, member of the Bengal Legislative Council.

They urged full separation on the grounds: “(1) that the combination of judicial with executive duties in the same officer violates the first principles of equity; (2) that while a judicial officer ought to be thoroughly impartial and approach the consideration of any case without previous knowledge of the facts, an executive officer does not adequately discharge his duties unless his ears are open to all reports and information which he can in any degree employ for the benefit of his District; (3) that executive officers in India, being responsible for a large amount of miscellaneous business, have not time satisfactorily to dispose of judicial work in addition; (4) that, being keenly interested in carrying out particular measures, they are apt to be brought more or less into conflict with individuals, and, therefore, that it is inexpedient that they should also be invested with judicial powers; (5) that under the existing system Collector-Magistrates do, in fact, neglect judicial for executive work; (6) that appeals from revenue assessments are apt to be futile when they are heard by revenue officers; (7) that great inconvenience, expense, and suffering are imposed upon suitors required to follow the camp of a judicial officer who, in the discharge of executive duties, is making a tour of his District; (8) that the existing system not only involves all whom it concerns in hardship and inconvenience, but also, by associating the judicial tribunal with the work of the police and of detectives, and by diminishing the safeguards afforded by the rules of evidence, produces actual miscarriages of justice and creates, although justice be done, opportunities of suspicion, distrust and discon-

tent which are greatly to be deplored".¹⁸⁹ In due course of time the memorial was pigeon-holed in the India Office.

In this connection it may be worth while to consider the objections which are urged by the opponents of the reform. They hold that the union of the two powers has worked well and has produced no evil; that it is necessary to maintain the "prestige" of the district magistrate who is the local representative of the English King; and that the system cannot be re-arranged for lack of adequate funds.

As has already been mentioned, the late Mr. Manomohan Ghose compiled twenty typical cases, from a large number, illustrating the evils of the union of judicial and executive functions. All these cases occurred within his own experience as an advocate of the Calcutta High Court. They are proofs of gross miscarriages of justice in the courts.¹⁹⁰ The second objection as to "prestige" is particularly weak. "The power of inflicting punishment is, indeed, part of the attributes of Sovereignty. But it is not, on that ground, any more necessary that the power should be exercised by a Collector-Magistrate, who is head of the police and revenue-system, than that it should be exercised by the Sovereign in person. The same reasoning, if it were accepted, would require that the Viceroy should be invested with the powers of a criminal judge. But it is not suggested that the Viceroy's 'prestige' is lower than the 'prestige' of a District Judge because the Judge passes sentences upon guilty persons and the Viceroy does not".¹⁹¹ The third objection is also without foundation. Experienced administrators have demonstrated that the division of powers will cause no extra expenditure of money, and, if it should, it could easily be met by observing economies in some other department of government.

The problem of the separation of powers has long passed the stage of academical discussion. The late Mr. Romesh Chander Dutt submitted a practical scheme to bring about this long-needed reform.¹⁹² His plan was the result of his own experience extending over a quarter of a century in various administrative offices. He served the government as sub-divisional officer, district magistrate, and finally as commissioner. His plan, therefore, had the stamp of practical experience. It is briefly as

follows; the district magistrate should be engaged purely on executive and revenue work. He should perform no judicial duties, which should be entrusted to the district judge. The district magistrate should employ part of his subordinates exclusively on revenue and executive work, and part on purely judicial work. Those who do executive and revenue work should be subordinate to the district magistrate, and those who are engaged in judicial duties should be subordinate to the district judge, and not to the district magistrate. This plan would secure not only the separation of judicial and executive functions, but it would be inexpensive, and it would not mean a great diminution of powers for the district magistrate. He "will still be the police officer of his district. He will collect revenues and taxes, and perform all the work connected with revenue administration with the help of his assistants and deputies. He will continue to perform all executive work, and will be armed with the necessary powers. He will watch and direct police investigation, and will be virtually the prosecutor in criminal cases. But he will cease to try, or to have tried by his subordinates, criminal cases, in respect to which he is the police officer and the prosecutor". The plan had the approval, moreover, of those great legal minds who memorialized the Secretary of State in 1899.¹⁹³ If the English government were disposed to deal generously with India, the proposal should have been accepted. But it was dismissed without serious consideration.

V

INDIAN COMMERCE AND INDUSTRY

From prehistoric ages India has been a commercial country; her sons have carried on trade and commerce with many other parts of the world.¹⁹⁴ They maintained commercial relations with Tibet and China on the north; with Ava, Pegu, and Mallacca on the east; with Ceylon on the south; and with Arabia, Phoenicia, and Egypt on the west.¹⁹⁵ This extensive commerce, with varying interruptions, continued till the advent of the East India Company. The destruction of home trades and industries by alien intruders forms one of the most tragic chapters in the history of India.

England pursued in India the same commercial policy as she did in the colonies of North America. According to this policy England imported manufactured products and the subject colonists exported raw materials to the mother country.¹⁹⁶ "Not even a nail should be manufactured there", declared England, and "still less the importation of nails manufactured in those colonies be permitted".¹⁹⁷ It was this commercial policy of England more than any other cause that led the Ameriean colonies to declare their independence.¹⁹⁸

How the patriots of 1776 frustrated the designs of the English in Ameriea is now a matter of history, but not so well known is the fate of the Indian trades and industries when they came into collision with the interests of English merchants. At each renewal of the charter of the East India Company few questions were asked by the company's counsel with more eagerness than those in regard to the prospects of India's use of the manufactured goods of England.¹⁹⁹ From the beginning, the natives of England sought the

destruction of Indian manufactures by encouraging the production of only raw materials in India for English industries, and by securing an exclusive market in India for their manufactured goods. As early as 1769 the directors of the company formulated plans discouraging the manufacture of silk and cotton goods in India. They passed an order requiring the silk-winders to work in the factories of the company, and prohibiting them from working elsewhere "under severe penalties, by the authority of the Government".²⁰⁰ The East India Company and its servants carried on inland trade free of duty, while their competitors, the Indian merchants, were "obliged to pay all imposts in full".²⁰¹

A noted historian says that "the English officials (of the company) began everywhere to trade on their own account, and to exercise their enormous power in order to drive all competitors from the field. A chief part of the native revenues consisted of duties imposed on the transit of goods; but the servants of the Company insisted on exempting themselves from paying them. Sometimes they sold for larger sums a similar exemption to native traders. They defied, displaced, or intimidated all native functionaries who attempted to resist them. They refused to permit any other traders to sell the goods in which they dealt. They even descended upon the villages, and forced the inhabitants, by flogging and confinement, to purchase their goods at exorbitant prices, or to sell what they desired to purchase, at prices far below the market value..... Monopolizing the trade in some of the first necessities of life, to the utter ruin of thousands of native traders, and selling those necessities at famine prices to a half-starving population, they reduced those who came under their influence to a wretchedness they had never known before..... Never before had the natives experienced a tyranny which was at once so skillful, so searching, and so strong..... Whole districts which had once been populous and flourishing were at last utterly depopulated, and it was noticed that on the appearance of a party of English merchants the villages were at once deserted, and the shops shut, and the roads thronged with panic-stricken fugitives".²⁰²

William Bolts, who saw the operations of this monopoly with his own eyes, has left us in his book, *The Considerations on In-*

dian Affairs, first-hand information on the subject.²⁰³ In describing the predatory instinct of the company, Bolts says that “various and innumerable are the methods of oppressing the poor weavers, which are daily practised by the Company’s agents, and gomasthas (sub-agents) in the country; such as by fines, imprisonments, floggings, forcing bonds from them, etc., by which the number of weavers in the country has been greatly decreased. The natural consequences whereof has been the scarcity, dearness and debasement of the manufactures, as well as a great diminution of the revenues”.²⁰⁴ “The weaver, therefore, attempts to sell his cloth privately to others, particularly to the Dutch and French gomasthas, who are always ready to receive it. This occasions the English Company’s gomastha to set his peons over the weaver to watch him, and not infrequently to cut the piece out of the loom when nearly finished”.²⁰⁵

It became a part of the fixed policy of England to limit Indian industry to agriculture. Under stringent laws she prohibited the importation of machines and the introduction into India of artisans who could instruct people in the use of those machines. Even after 1813, when the East India Company was compelled to give up its monopoly and the trade of India was thrown open to all, “*the restriction on the export of machinery and artisans was maintained in full force*; and thus were the poor and ignorant people of that country exposed to competition with a community possessed of machinery greatly more effective than their own”.²⁰⁶ While the Indians were thus being deprived of their rights to use machinery, while their industries were being annihilated by monopoly and various other means of oppression, and while Englishmen were dumping their goods upon India with no import or with merely a nominal import duty, the export of Indian merchandise to England was prohibited by exorbitant tariffs. In his testimony before the select committee, Mr. Robert Rickards gave the following list of duties on some of the important Indian articles:²⁰⁷

Aloes, subject to a duty of from 70 to 280 per cent.

Assafoetida, subject to a duty of from 233 to 622 per cent.

Cardamuna, subject to a duty of from 150 to 266 per cent.

Coffee, subject to a duty of from 105 to 373 per cent.

Pepper, subject to a duty of from 266 to 400 per cent.

Sugar, subject to a duty of from 94 to 393 per cent.

Tea, subject to a duty of from 6 to 100 per cent.

Below are the duties levied on Indian cotton manufactures in England in 1813:²⁰⁸

	£	s.	d.
Flowered or stitched muslins of white calicoes (for every £100 of value)	32	9	2
And further ditto	11	17	6
Calicoes and dimities	81	2	11
And further ditto	3	19	2
Cotton, raw (per 100 lbs.)	0	16	11
Cotton, Manufactured ditto	81	2	11
Articles of manufacture of cotton, wholly or in part made up, not otherwise charged with duty (for every £100 of value)	32	9	2
Hair or goat's wool, manufactures of, per cent..	84	6	3
Lacquered ware, per cent.....	81	2	11
Mats and matting, per cent	84	6	3
Oil of Aniseed, per cent	84	6	3
Oil of Cocoanut, per ton	84	8	3
Tea, in 1814, custom and excise	96	0	0

Commenting on these facts, the English historian Wilson says:

"Had not this been the case, had not such prohibitory duties and decrees existed, the mills of Paisley and of Manchester would have been stopped in their outset and could scarcely have been again set in motion, even by the powers of steam. They were created by the sacrifice of the Indian manufacture. Had India been independent, she would have retaliated, would have imposed preventive duties upon British goods, and would thus have preserved her own productive industry from annihilation. This act of self-defence was not permitted her; she was at the mercy of the stranger. British goods were forced upon her without paying any duty; and the foreign manufacturer employed the arm of political injustice to keep down and ultimately to strangle a competitor with whom he could not have contended on equal terms".²⁰⁹

The German economist, Frederick List, voices the same truth:

"Had they permitted the free importation into England of cotton and silk goods from the Indies, the manufactures of cotton and silk in England would have been destroyed at once. India had in her favor not only the low price of the raw material and cheaper labor, but also long practice and traditional dexterity or skill. Under the system of competition, the superiority was necessarily with India; but England was not willing to build up manufacturing establishments in Asia, to fall afterwards under their yoke".²¹⁰

To sum up the situation, the old Indian industries were annihilated (contrary to the popular English version) not by competition with English goods, but by monopoly and coercion. In 1837 when Victoria was crowned queen of England, agriculture was about the only national industry worth mentioning.²¹¹

In more recent times when the modern industries²¹² of India began to grow and develop, English manufacturers once more reached out their hands to secure a strangle-hold on them. From 1871, when an ad valorem duty of seven and one-half per cent. was charged on most goods imported from India, the duties were gradually reduced. In 1875 the Customs Tariff Act limited these duties to sixty-five articles.²¹³ These were maintained for revenue, and did not act as protection to India's growing industries. The manufacturers of Lancashire were, however, alarmed lest the cotton industries of India should compete with theirs. In a memorial addressed to the Secretary of State for India, the Manchester Chamber of Commerce submitted that "the statements as to the baneful operation of these duties on commerce, and on the best interests of her Majesty's subjects, both in India and in England, are abundantly confirmed by the latest advices from Bombay, which show that, under the protection extended by the levying of duties on imports, to the spinning and weaving of cotton yarns and goods in India, *a large number of new mills are now being projected*".²¹⁴

Lord Salisbury, the Secretary of State for India, asked Lord Northbrook, the viceroy, to abolish the import duties as demanded by the English cotton interests. Rather than be bullied into submission by an overbearing Lancashire, Northbrook resigned. He was succeeded by Lord Lytton in 1876. The following year

on July 10th the English Parliament, in order to conciliate the restless Lancashire voters, passed a resolution declaring that "in the opinion of this House, the Duties now levied upon Cotton Manufacturers imported into India, being protective in their nature, are contrary to the sound commercial policy, and ought to be repealed without delay, as soon as the financial condition of India will permit".²¹⁵

The year 1877 was one of the darkest in Indian history. It was the year of the disastrous Afghan war, and it was a year of terrible famine. The deaths from starvation, and from the diseases incident to famine, were estimated at seven millions.²¹⁶ The resources from which revenue was derived were everywhere crippled. Nevertheless, Lord Salisbury forwarded the resolution of the House of Commons to Lord Lytton, and nervously added "that five more mills were about to begin work; and that it was estimated that by the end of March, 1877, there would be 1,231,284 spindles employed in India".²¹⁷ Lord Lytton, in cowardly compliance with the request of his chief, enacted in 1879 a law excluding from import duty all "imported cotton goods containing no yarn finer than 30s".²¹⁸ The measure was passed in the face of a universal protest of Indian public opinion, and against the votes of all the members of the council except two. It caused the Indian government a loss of eight lacs of rupees²¹⁹ to the revenue.²²⁰

Lord Lytton was followed by the Marquis of Ripon, who in 1882 repealed the remaining import duties on cotton goods, and abolished all the Indian import duties save those on liquors and salt. In 1894 when the government was confronted with a deficit of over two million sterling, it passed a tariff act imposing a duty of five per cent. *ad valorem*, on all articles imported, including cotton fabrics and yarns. At once a violent protest was made in Lancashire; it demanded that its cotton manufactures should be exempt from duties. "Once more with a Liberal Government in office, the cant of Cobdenism was revived in order to reconcile the conscience of the British nation to a pure measure of exploitative imperialism".²²¹ Once more as a sop to the voters of northern England, a countervailing excise duty of equal value was levied upon the products of the Indian mills.

Two years later, in 1896, both the import and excise duties on manufactured cottons were reduced to three and a half per cent.²²²

Most modern governments extend substantial encouragement to home industries; but in India they are repressed by the "arm of political injustice". The Act of 1896 has increased the cost of clothing on the one hand, and on the other it has made the life of the textile industry precarious. "The Indian power-loom manufacturer has to make returns to the government of every yard he spins, and to pay the excise before he has sold the goods. The Lancashire producer is under no such obligations".²²³ Furthermore, this act has limited the market of Indian cotton goods as when they are exported the excise duties are not remitted. The Indian manufacturers are therefore compelled to sell their goods at a higher price in foreign markets, and are placed in an unfair and unequal competition with foreign manufacturers who are not required to pay excise by their home governments.²²⁴ Another inevitable result of the Act of 1896 is that the Bombay mill industry is now experiencing a period of great financial depression, which bids fair to be permanent. The profit of the Bombay mill owners in 1905 was 350 laes of rupees; and in 1910 it had dwindled to 60 laes. At the same time the excise duty from the mill industry was 41 laes. Had this amount been left with the mill owners, the Bombay textile industries might have been spared this crisis.

India like England has a free trade policy.²²⁵ It is the only possession of the British Empire where the United Kingdom has been able to enforce its Cobdenite policy of free trade. Canada, Australia, and South Africa have their own trade policies, and they are all protectionists.²²⁶ It is true that responsible government was granted to Canada and most of the over-sea dominions in 1841, but the right of self-government did not confer on them fiscal freedom. It came to them in 1846 with Peel's reforms, and Canada was the first British possession to utilize this freedom in 1859. In that year Canada enacted the Galt tariffs protecting the Canadian manufacturers against the British, especially against its iron and steel interests. The chambers of commerce of Sheffield and Glasgow vehemently protested

against this tariff through the Secretary of State for the Colonies, the Duke of Newcastle.²²⁷ The Colonial Secretary, whose sympathies naturally leaned towards the British manufacturers, "remonstrated" with the Canadian minister of finance.²²⁸ The situation was almost exactly like that in India some fifteen or sixteen years before, but unlike the Indian Secretary of State, the Canadian minister stoutly denied that the British manufacturers had any right to interfere with the Canadian tariff legislation. The famous reply that Galt gave in defence of his policy settled the question of fiscal freedom for the colonies once and for all.²²⁹

"Respect to the Imperial Government," wrote Galt in his despatch to the Colonial Secretary, "must always dictate..... that due regard is had to the interest of the Mother Country as well as of the provinces. But the Government of Canada, acting for its Legislature and people, cannot, through those feelings of deference which we owe to the Imperial authorities, in any manner waive or diminish the right of the people of Canada to decide for themselves both as to the mode and extent to which taxation shall be imposed".

"It is therefore the duty of the present Government distinctly to affirm the right of the Canadian Legislature to adjust the taxation of the people in the way they deem best, even if it should unfortunately happen to meet the disapproval of the Imperial Ministry. Her Majesty cannot be advised to disallow such Acts, unless her advisers are prepared to assume the administration of the affairs of the Colony, irrespective of the views of its inhabitants".²³⁰

The views of the inhabitants of Canada on Canadian tariff were no more just and reasonable than the views of the inhabitants of India on their tariff question; yet the Canadians were granted the right to protect their industries against the English—a right which has been denied to India. Ever since the Galt episode, all other over-sea dominions have followed the example of Canada in making their tariffs to suit their own interests rather than those of the mother country.

The Indian excise duty is unjust. Although it aims to neutralize the three and a half per cent. duty on imported cotton goods,

and placee India and England on an equal basis of free trade, there cannot, as a matter of fact, be any equality between these two countries in manufaectures. England is one of the riehest countries of the world, and India one of the poorest. England's production per capita is about forty pounds, and its average imports fifteen pounds; while in the case of India, production per capita amounts to two pounds, and imports to six shillings. John Stuart Mill said that "the superiority of one country over another in a branch of production often arises only from having begun it sooner".²³¹ England did begin her modern industries "sooner". But that is not all. While she had the full advantage of that early start to aquire the necessary skill and experience, she bloeked every path of industrial advancee on the part of India.

Again, under a free and universal system of edueation in England, the English people have better opportunities for education, and are better trained for industrial oecupations. The English government in Hindustan has seant faith in popular or scientifc education. It has pursued the policy of keeping the Indians ignorant so consistently and so successfully that ninety per cent of the people of India are illiterate. In view of these facts an Indian cannot but ask himself: Where is then the equality between England and India? How is it possible for India, so hopelessly crippled, to compete on equal terms with England? Nay, so-called free trade in India, stripped of all verbiage is nothing but "a clear road for British merchants".²³² It is, as our veteran statesman Dadabhai Naoriji has said, "like a race between a starving, exhausted invalid, and a strong man with a horse to ride on".²³³

We have already noticed how the old Indian industries have been crushed out of existence in the interests of the English merchants. If England is now a great country, commercially and industrially, it has become so primarily at the expense of India. For England's greatness India has paid a priece, even though Englishmen do not recognize the fact with gratitude.²³⁴ To-day India is exporting raw produce and importing finished commodities to an alarming extent. If we glanee at the commercial balance sheet we observe that seventy per cent of India's exports are raw material, and sixty per cent of the imports are manu-

factured goods.²³⁵ If India is to advance industrially, she must be given a more reasonable chance to build up and protect her industries.

That the foundation of England's own preeminence as a manufacturing nation was originally based upon a protective policy admits of no doubt.²³⁶ Indeed, as Cunningham has said in his *Free Trade Movement*, "the steady development and sudden expansion of industrial activity, which rendered England the workshop of the world, occurred under a highly protective system",²³⁷ rather than under free trade. This free trade system was not the result of a "pre-conceived plan", but was adopted in obedience to "the concrete necessities of English industrial life".²³⁸ When with the aid of mechanical inventions England's industries had been well advanced, and when she found that she needed more raw materials for her manufactures and more food-stuffs for her population than she could raise, then she turned to free trade. Why should not India have the advantage of the same protective system as England once had under similar circumstances? ➤

The manufacturing industries of the modern type are still very young in India. They cannot be expected to compete successfully with the products of the machinery of England. They need to be protected. Nearly all the classic economists have given the weight of their approval to the fact that protection to young industry is a positive advantage. Even such an extreme advocate of free trade as Mill conceded that a protective duty in favor of a young industry is "defensible".²³⁹ The master of American finance, Alexander Hamilton, in his masterly report on manufactures takes practically the same ground as Mill. Against the thesis that industry if left to itself will naturally find its way to the most profitable employment, Hamilton points out the strong influence of habit and the spirit of imitation, including "the fear of want of success in untried enterprises; the intrinsic difficulties incident to first essays towards a competition with those who have previously attained to perfection in the business to be attempted; the bounties, premiums, and other artificial encouragements, with which foreign nations second the exertions of their own citizens".²⁴⁰

The tariff laws which are made to answer the needs of the small sea-girt islands of the North Sea should not be applied to a vast continent like India, with her teeming millions. There is in India an abundance of cheap labor, coal, raw fibre, and an immense home market. England has neither raw material nor a home market.²⁴¹ Those who are constantly harping on the magic theory of free trade, have grossly exaggerated the possible evils of protection in India, and have purposely overlooked these big facts. A reasonably high tariff will not only afford the industries of India the much needed protection, but will help to effect sanitary and educational reforms, and will liquidate the huge national debt.²⁴² Excepting the British Isles, there is not a great nation on earth today which does not protect its home market against foreign competition. Why should not India have the right to do the same? Indeed, if India is ever to develop her national industries and wealth effectively, she must do what the rest of the world is doing—she must have a tariff both for revenue and for protective purposes.

Overwhelmingly protective as is the public opinion of India, it seems that protection for her will be long in coming. In the meantime, a new factor is being projected into the situation, which opens the field for the consideration of preferential tariffs within the British Empire. The economic salvation for India, declare the latter-day apostles of English imperialism, lies in joining the “imperial preferential scheme”. Sir Roper Lethbridge in his *India and Imperial Preference* says:

“In any reasonable scheme for the Commercial Federation of the British Empire, India must occupy the chief place after the Mother Country. At this moment, among the Constituent States of the Empire, she is at once the largest producer of food and raw material, and one of the largest consumers of manufactured products. And potentially, with her 300,000,000 of thrifty, industrious, and progressive workers and consumers, she is a commercial unit of greater importance in the world, whether for exports or for imports, than almost any other”²⁴³.

Lethbridge permitted his imperialistic enthusiasm to run away with him. The purpose of the preferential tariff, as advanced by its sponsor Joseph Chamberlin, is “to increase the strength

and prosperity of the United Kingdom" and to "promote a federation of the British race". It is based upon the idea of free or preferential trade within the empire and a protective tariff wall against all outsiders.²⁴⁴ From the very nature of the case India can expect little from this plan.

Mr. H. B. Lees Smith has made this point quite clear.²⁴⁵ He points out that ten articles represent ninety per cent. of the total value of British imports from India. These articles are: raw jute, tea, wheat, hides, oil seeds, raw wool, jute manufactures, raw cotton, rice and lac. Of these, India holds the monopoly of the world in lac and jute. A preference in these two commodities is not possible. As for jute manufactures, her only serious competitor is Dundee. A duty on jute is, therefore, out of the question, as it would be a body blow to the industry of the Scotch town. The next six articles, hides, oil seeds, raw wool, raw cotton, wheat and rice, are either articles of food or raw produce essential to English industries. England never for a moment will consent to a preference on these commodities. This brings us to the last article on the list, which is tea.

The making of tea is a flourishing industry,²⁴⁶ but Lees Smith has failed to mention that it is almost entirely a foreign industry. It is financed and staffed by the English; its profits swell the pockets of the stock-holders in England.²⁴⁷ A preference to the absentee landlord of the plantation is no gain to India. The only advantage which India gets from the tea gardens is the starving wages of the coolies. Moreover, the indentured labor by which the tea cultivation is carried on is its own condemnation.²⁴⁸ Hence one can readily agree with Lees Smith in his general conclusion that "as regards the ten chief exports from India to the United Kingdom, representing 90 per cent. of the total, no preference is possible unless we are willing to raise the price of raw materials essential to our industries, or of food stuffs. From the nature of our conditions, therefore, we have nothing substantial to offer".²⁴⁹

Of course, there yet remain the colonies and dependencies, but the consideration of preferential tariffs with them is of still less value. The Indian volume of trade with these possessions of the empire is too small to warrant a demand for an acceptable pre-

ference. In fact, as the Indian government in its despatch of 1903 remarked, in a preferential scheme "India has something, but not perhaps very much, to offer the Empire; she has very little to gain in return".²⁵⁰ Letting those who want to think "imperially" alone, we must endeavor to secure complete fiscal freedom such as is enjoyed by all self-governing constituencies of the empire. "What public opinion wants in India..... is fiscal autonomy. We want to change our fiscal system as it suits our economic and industrial well-being, whatever may be its effect on the British manufacturer".²⁵¹

VI

AGRICULTURE AND FAMINE IN INDIA

Diversity of industries is the keynote of progress in all modern countries, but in India this essential condition of vigorous existence has been lacking since the advent of the English.²⁵² With the decline of their trades and industries, the people of India have been thrown on the land more and more as their only source of national income. Today five-sixths of the whole population are dependent upon agriculture,²⁵³ and nearly two-fifths of the total net revenue comes from the land tax.²⁵⁴ Since agriculture is the chief occupation of the people of India, "if any disaster happens to agriculture, it not only means a period of distress and strain for the people, but absolute and complete ruin".²⁵⁵

The government theory of the present land tax is based upon the assumption that the state is the sole proprietor of the soil.²⁵⁶ Sir Henry Cotton, a distinguished member of the Indian Civil Service for nearly twenty years, writes the following from the background of his official experience: "There is no great harm in saying that the land belongs to 'the State' when the State is only another name for the people, but it is very different when the State is represented by a small minority of foreigners, who disburse nearly one-third of the revenues received from the land on the renumeration of their own servants, and who have no abiding place on the soil and no stake in the fortunes of the country".²⁵⁷

Moreover, the idea that the government is the owner of all lands is not in accordance with the conceptions of the Hindu law. The Hindu law-giver, Manu, has said that a field "belongs to him who cleared away the timber, and a deer to him who (first) wounded it".²⁵⁸ This indicates the right of freehold in ancient India beyond any possibility of doubt.²⁵⁹ The Hindu raja had

a claim only to a limited share of the gross produce of the soil, while the soil itself belonged to the ryot.²⁶⁰

Coming to the later Mohammedan period we find the same principle dominating the Mohammedan rule. Professor Wilson says that "according to the Mohammedan law a conquered country is, at the moment of its subjugation, at the disposal of the conqueror; he may then either partition it amongst his followers, or allow the inhabitants to retain it on payment of a fixed portion of the produce. In either case he relinquishes the right of the soil acquired by conquest, and no other is admitted".²⁶¹ The enforcement of the discarded Western theory of mediaeval sovereignty in Hindustan puts the English government on a level with the predatory governments of the feudal barons of Europe. On this point Professor James W. Garner says that "The territorial domain of the state is not the property of the state or of any ruler; the patrimonial state, in which the monarch was considered the ultimate owner of the land, is a thing of the past.... The modern state exercised *imperium*, not *dominion*, over the land embraced within its limits; that is, the ownership of the land belongs to private individuals..... The right of private ownership has become so completely disassociated from the old patrimonial idea that cessions of territory to foreign states, according to the public law of the civilized world, are no longer considered as affecting in the least the private ownership of the lands so alienated".²⁶² The theory of state landlordism is not only archaic and unfair; but in its actual application it has wrought incalculable hardship to the Indian people.

The method of assessing the land revenue is not uniform throughout British India. An examination of the land system of a few of the typical provinces will throw light on this vital problem of the Indian agriculture. In Bengal, where the land revenue has been fixed in perpetuity since 1793, the farmers pay their rents to the zamindars or landlords, and the zamindars to the government.²⁶³ The land tax was then fixed at ninety per cent. of the rental.²⁶⁴ To-day "the rents paid by cultivators to landlords generally do not exceed one-fifth or one-sixth of the gross produce, and the revenue obtained by the Government represents *five to six per cent.* of the gross produce".²⁶⁵

The foreign rulers of India not infrequently fall into the fatal notion of imagining that the zamindars are mere middle men—a kind of social parasite. From the Indian point of view, that is far from being the case. “The relationship between zamindar and ryot in Bengal is not the simple relationship of landlord and tenant. It is not merely that the zamindar collects the rents and the ryot pays them. The social aspects of the land tenure system of Bengal are not those of Ireland, or England, or of any country in Europe. The zamindar and ryot are as king and people; they are as monarch and subject”.²⁶⁶

When the “permanent settlement” was made in 1793 it was stipulated that zamindars should safeguard the interests of ryots. In case the zamindars should fail to do so, the government reserved to itself the right to interfere for the protection of the cultivators. This protection, however, was not extended to them for over sixty years. At last in 1859, 1868, and 1885 laws were passed in the interests of the agriculturists. These acts prohibited the enhancement of rents by landlords, except on most equitable grounds, and they also secured to the tenants occupancy rights.

The permanent settlement conferred lasting benefits on Bengal. In the provinces where there is no zamindary system, the government, claiming to be the supreme landlord, carries away all the profits of the farmer, leaving him only a bare margin of subsistence. Certain it is that “the zamindar as the capitalist who purchased the estate with his own money, naturally secures a considerable profit for himself; but the other section of the community, as tenure-holders, under-tenure-holders, cultivators and under-cultivators, also get their due share”²⁶⁷. The existence of the permanent settlement has made it possible for Bengal to have a strong middle class such as is not to be found in any other parts of the country. The zamindars, in times of distress or scarcity, render a valuable assistance to the people. It is an indisputable fact “that scarcity is met, relief works are set on foot, and supplies are transported with greater facility, where there are large zamindaries, than in the Provinces where the Settlement has been made with the heads of village communities, or with each Ryot direct as in Madras”²⁶⁸.

Professor Jadunath Sarkar has summarized the benefits of the permanent settlement under these heads: “(1) Saving the land-revenue from annual fluctuations. (2) Avoiding the expense and harassment attending every renewal of settlement. (3) Creating a rich and loyal body between the Government and the people.... (4) The introduction of large agricultural improvements which are beyond the means of petty individual cultivators. (5) The creation of a large middle class with a secure income, which is cause of the social, literary and educational advancement of Bengal and Madras”.²⁶⁹ These advantages must be apparent to all who do not measure the success of a government merely by its ability to secure a large revenue. If prosperity and general contentment of the people are the test of successful administration, then the perpetual settlement has abundantly justified itself. Indeed, the importance of this subject so impressed itself on the mind of Sir Charles Wood, former Secretary of State for India, that he once gave orders for its gradual extension all over India. In his despatch of July 9, 1852, Sir Charles wrote as follows:

“It is also most desirable that facilities should be given for the gradual growth of a middle class connected with the land, without dispossessing the peasant proprietors and occupiers. It is believed that among the latter may be found many men of great intelligence, public spirit, and social influence, although individually in comparative poverty. To give to the intelligent, the thrifty, and the enterprising, the means of improving their condition, by opening to them the opportunity of exercising these qualities, can be best accomplished by limiting the public demands on their lands. When such men acquire property, and find themselves in a thriving condition, they are certain to be well affected towards the Government under which they live. It is on the contentment of the agricultural classes, who form the great bulk of the population, that the security of Government mainly depends. If they are prosperous, any casual outbreak on the part of other classes or bodies of men is not likely to become an element of danger, and the military force and its consequent expense may be regulated accordingly”²⁷⁰

Unfortunately, after the retirement of Secretary Wood this

beneficent measure of permanent settlement gradually began to gain the disfavor of the officials, who thought more of revenue than of the welfare of the people. Finally, in 1883, the Secretary of State (Lord Kimberley) in the teeth of public remonstrance in India gave up the scheme for the further introduction of permanent settlement.

Broadly speaking, the land system which obtains in the Bombay and Madras presidencies is known as the *Ryotwari* system. Under this method, the settlement is made directly with the ryots or cultivators; there is no intermediary between the government and the tenants, the government taking the position of the private landlord. The land revenue at present represents in Bombay "*between twenty and thirty-three per cent.* of the gross produce".²⁷¹ In Madras it is even worse. The maximum land tax fixed by the government is "*one-third the field produce; and this is virtually the whole of the economic rent*".²⁷² This assessment is revised every thirty years. Under the zamindari system of Bengal, the zamindars by the laws of 1859 and of 1868 are strictly limited in their demand for revenue from the cultivators, but under the ryotwari system, the government has placed practically no limit upon the assessing powers of its revenue officials. There is only the vague rule, fixed for the guidance of the settlement officer, "*that he may not increase the revenue of a Taluk (group of villages) by more than 33 per cent., nor that of a single village by more than 66 per cent., nor that of a single holding by more than 100 per cent.*".²⁷³

In the absence of definite laws, the settlement officers are left pretty much to their own discretion. When they come to reassess they proceed not always on the theory of extended cultivation or higher prices of the produce, but on the "*capabilities*" of the soil. They go not by what the land actually produces, but by what in the opinion of the land surveyors the field should produce. In this way they make "*due application of tests of all kinds, geological, botanical, hydrographical, meteorological, arboricultural*".²⁷⁴ If a new road is built, a new railway is constructed, or a telegraph office is opened in a village, that is a reason for a substantial enhancement of the rent. In short, paradoxical as it may seem, the very blessings of peace and the

benefits of the "civilized" government, instead of making the farmer more prosperous, become the means of oppressing him and keeping him permanently poor.

Under the ryotwari system, no matter how unjustly enhanced the rent may be, the farmer has no option but to accept the rate fixed by the revenue officer or to quit his ancestral farm and homestead; he cannot seek redress for his grievances in independent tribunals. There is no appeal from the decision of the revenue officer. In 1873 a case of unfair assessment was carried to the Bombay High Court, and the court gave its decision against the revenue officer. This caused the government in 1876 to pass the Bombay Revenue Jurisdiction Act with a view to secure absolute power to the revenue officer.²⁷⁵ It provided that on matters of land assessment the civil courts shall have no jurisdiction. The ryot is therefore left totally unprotected from the settlement officer.²⁷⁶ He may make mistakes in his calculations or he may even demand an extortionate rent, yet the tenant cannot seek justice in an independent court.

In the Central Provinces, the Punjab, and the United Provinces, the settlement of land revenue is made neither with ryots nor with zamindars, but with the mahals or villages. This system is known as the *mahalwari* settlement. The rent is fixed generally for twenty years "with the *entire body* of villagers who are *jointly* and *separately* responsible for the whole revenue of the village. Their head is called the *Lambardar*, who signs the engagement to pay revenue on behalf of the whole village".²⁷⁷ Until 1855 the government claim in Northern India was ninety per cent. of the net assets. It has now been limited to theoretically one-half of the net produce.²⁷⁸ This does not include the cesses which are collected along with the land revenue to pay for the village officers, schools, roads, and other public works. The rate of cess is different in different provinces. In the Punjab it is five and one-half per cent., in Agra six per cent., and in the Central Provinces twelve and a half per cent. on the rental. Now when these extra cesses, which are charged on the land, are counted up it becomes at once evident that in practice the principle of fixing the revenue at fifty per cent. of the rental is more honored in the breach than in the observances.²⁷⁹

The father of modern political economy, Adam Smith, in his *Wealth of Nations*, condemns variable land taxes.²⁸⁰ The frequent succession of re-assessments is one of the greatest defects of English tax administration. It is certainly one of the most potent means of keeping India down. It paralyzes agriculture and keeps the farmer in perpetual poverty. The cultivator feels that the more he toils the more is required of him by the government. He has no incentive to industry or to the introduction of new improvements. At every recurring settlement, the government increases his rent, and the farmer reaps no permanent profit from his improvements.

As an illustration of the enhancement of land taxes at every new settlement let us take the case of Bombay, which may be regarded as typical of the other provinces. The first regular settlement of Bombay began in 1836, and when it was concluded in 1876 it showed an increase of thirty-five per cent. in land revenue; in the second settlement, it showed an increase of thirty per cent.; and in the third settlement of 1895 there was still an increase of thirty per cent.²⁸¹ Now, it does not stand to reason that there was thirty per cent. increase in farm products in Bombay every thirty years. Indeed, never before in Indian history extending through all the ages has India been subjected systematically to such a rack-taxing. The inevitable consequence of such a policy is that at the end of every settlement the farmer finds he is making less and less profit, and is sinking more and more into hopeless poverty.

There is another fact in connection with the land revenue which must not be overlooked. The farmer is now required to pay his rent in cash, and not in kind as was the custom in ancient India. Whether he can raise a crop or not, the rent must be paid in full. The failure of a crop in years of drought does not mean a remittance of rent.²⁸² "If payment is not made, everything the peasant possesses can be seized and sold by the revenue authorities—house and land, plough and oxen, bedding and cooking-pot".²⁸³ In eleven years in the province of Madras nearly "five-sixths of a million of families or at least four millions" of people were evicted out of their house and land because of defaulting in their taxes. The Honourable G.

Rogers, ex-member of the Bombay Council, wrote to the Under Secretary of State for India in 1893 as follows:

"In the eleven years from 1880 to 1890 there were sold by auction for the collection of land revenue the occupancy rights of 1,963,364 acres of land held by 840,713 defaulters, in addition to personal property to the value of Rs. 965,081. Of the 1,963,364 acres, 1,174,143 had to be bought on the part of the Government for want of bidders, that is to say, very nearly 60 per cent. of the land supposed to be fairly and equitably assessed could not find purchasers, and only the balance of 779,142 acres was sold".²⁸⁴

In view of the burdens which the land revenue brought upon the people, a memorial was presented in 1900 to Lord George Francis Hamilton, Secretary of State for India, to secure "to the cultivators of the soil a sufficient margin of profit to enable them better to withstand the pressure of future famines".²⁸⁵ This memorial was signed by eleven retired officials of high rank, including four men who had served as members of the viceroy's or governor's legislative councils. The gist of the document as summarized succinctly by Mr. O'Donnell is as follows:²⁸⁶

"(1) That, where the land revenue is levied direct from the farmers or cultivators, the demand should not exceed one-half or 50 per cent. of their net profit after disbursing the cost of cultivation.

"(2) That, where the land revenue is levied from landlords, the demand should not exceed one-half or 50 per cent. of the rental obtained by them from their tenantry.

"(3) That a settlement should have a currency of thirty years, and

"(4) That local taxation should not on the land exceed a further 5 per cent.

"In other words, whether taxation, imperial and local, is derived directly from the landlords or from the tenantry, it should not exceed an income tax of 55 per cent".

Even this modest petition to limit the tax to a fifty-five per cent income tax did not meet with official approval. Lord Curzon, to whom the memorial was referred by the Secretary of State, declared that there was no need of reform in the land

administration of India and that there should be no permanent limit upon the land assessments!

It will now be possible to discuss the problem of famine in India. Sir Charles Elliot, long the chief commissioner of Assam, says that "half the agricultural population do not know what it is to have a full meal".²⁸⁷ The late Honourable G. K. Gokhale, of the viceroy's council, states that "from 60,000,000 to 70,000,000 of the people of India do not know what it is to have their hunger satisfied even once in a year".²⁸⁸ And Mr. William Digby of the Indian civil service proves from the official records and parliamentary blue-books that the people of India, under English rule, are steadily becoming a nation of paupers. He shows that whereas the daily income of the people of India per head in 1850 was two pence, in 1882 it was one and a half pence, and in 1900 it was actually less than three-fourths of a pence.²⁸⁹

In a country like America it is extremely difficult to convey an adequate idea of what famine in India actually means. It will, therefore, be worth while to quote the following pen-picture by Mr. W. S. Lilly in his *India and Its Problems*:

"I shall never forget my own famine experiences; how, as I rode out on horse-back, morning after morning, I passed crowds of wandering skeletons, and saw human corpses by the road-side, unburied, uncared for, and half devoured by dogs and vultures: how, sadder sight still, children, 'joy of the world', as the old Greeks deemed, had become its ineffable sorrow, and were forsaken by the very women who had borne them, wolfish hunger killing even the maternal instinct. Those children, their bright eyes shining from hollow sockets, their flesh utterly wasted away, and only gristle, and sinew, and cold shrivelled skin remaining, their heads mere skulls, their puny frames full of loathsome diseases, engendered by the starvation in which they have been conceived and borne, and nurtured—they haunt me still".²⁹⁰

Famines in India before the coming of the English were few, they were chiefly local and affected comparatively a small number of people.²⁹¹ This will be shown by the following data:²⁹²

In the Eleventh Century, 2 famines, both local.

In the Thirteenth Century, 1 famine, around Delhi.

In the Fourteenth Century, 3 famines, all local.

In the Fifteenth Century, 2 famines, both local.

In the Sixteenth Century, 3 famines, all local.

In the Seventeenth Century, 3 famines, 'General': are not defined.

In the Eighteenth Century, 4 famines, Northwestern Provinces, Delhi, Sind (twice), all local.

Thus it is clear that prior to the English rule, from the eleventh century to the middle of the eighteenth century, India had only eighteen famines in about seven hundred years. However, with the appearance of the English, things rapidly changed for the worse. Mr. Digby points out from the reports of the various famine commissions that within the brief period of thirty-two years, from 1768 to 1800, India suffered from no less than four great famines. Then from the beginning of the nineteenth century all times seem to be famine times. To illustrate how famine has increased in India, Mr. Digby has divided the last century into four periods of twenty-five years each:²⁹³

1800 to 1825 5 famines perhaps 1,000,000 deaths.

1825 to 1850 2 famines perhaps 500,000 deaths.

1850 to 1875 6 famines recorded 5,000,000 deaths.

1875 to 1900 18 famines estimated 26,000,000 deaths

This shows that in the last century alone there were thirty-one famines with a loss of over thirty-two millions of human lives! It also shows that the famines and scarcities in India under the English rule have become more wide-spread, more frequent, and more destructive. Are not the people of India therefore justified in saying, as one of their leaders has said, that "the history of British India is the history of famines"?²⁹⁴

The English officials habitually seek to relieve the government of all responsibility for these dreadful crimes on various pretexts. Their chief stock arguments as to the causes of famine are these; over-population, deficiency of rainfall, and improvidence of farmers. Let us examine these allegations briefly.

The total population of India according to the last census has been declared to be 315,000,000. This, to be sure, is a large population, but it does not mean that India is overpopulated.²⁹⁵ The pressure of population in Hindustan is a great deal less than it is in many European countries. According to the latest available

figures, the density of population per square mile in Austria is 246, in Poland 247.4, in Germany 310.4, in Italy 313.7, in Holland 470, in Belgium 589, in England and Wales 619, and India 244.27²⁹⁶. Now, who has ever heard of famines in these European countries in modern times? If a large population were the inevitable cause of famine, then Europe, not India, should have been the permanent home of this great curse of humanity. That famines in India are not created by over-population has been recently admitted by the leading Tory journal of England, the *London Times*. It declares that "two-thirds of the people of India live within a quarter of its area. There are vast unoccupied lands which have still to be populated The problem of the Indian population is to distribute the people more evenly. The process is slow, but the difficulty is not insoluble, and every fresh migration increases prosperity. The growth of number is not a subject for alarm, but rather for congratulation."²⁹⁷

As to the second argument, the deficiency of rain, there is no need for extended refutation. It is self-evident that the rains do not fail worse to-day than they did before the coming of the English. And yet a hundred or two hundred years ago India was never visited by such dreadful and perennial famines. Moreover, there was never a time in our history when the entire country was afflicted with droughts. When there has been a failure of rain it has always been local. Now if one part of the country suffers from drought, there are other parts which do not and where the harvests are good. The crops can be easily shipped from one province to another by the extensive railroads.²⁹⁸

With regard to the improvidence of the cultivators, nothing could be further from the truth. Patient, industrious, economical to a fault, the Indian farmer has few equals in the East or West. Mr. Vaughn Nash, who is an Englishman and who cannot therefore be suspected of undue leanings towards India, writes as follows:

"The famine, let me say, is in no way due to defects of the ryot, *qua* agriculturist. He is short of capital and hampered by debt. But every competent judge admits his wonderful knowledge of the land and the crops, his laborious industry during the seasons of hard field-work, and his eagerness to improve his hold-

ing. Agricultural enthusiasts from the West, who come to scoff at his primitive customs, remain to admire and learn as they watch him at his work".²⁹⁹

It is true that the Indian farmers do not employ modern machinery, but it should be borne in mind that there is very little need for many of the modern implements in India. India is a country of small holdings. The average farm is too small for the farmer to use expensive machinery. Then, too, the Indian soil is of such nature that it needs only shallow ploughing, the sun and the wind do for the Indian cultivator what heavy iron ploughs and other modern accessories do for the Western agriculturist. Dr. G. A. Voeckler, the consulting chemist to the Royal Agricultural Society of England, who was sent to India in 1889 to suggest improvements for Indian agriculture frankly admitted that Indian husbandry has so far advanced that it could not be much improved. He wrote that "in the ordinary acts of husbandry, nowhere would one find better instances of keeping land scrupulously clean from weeds, of ingenuity in device of water-raising appliances, of knowledge of soils and their capabilities, as well as the exact time to sow and to reap, as one would in Indian agriculture, and this not at its best alone, but at its ordinary level. It is wonderful, too, how much is known of rotation, the system of mixed crops and of fallowing. Certain it is that I, at least, have never seen a more perfect picture of careful cultivation, combined with hard labour, perseverance, and fertility of resource, than I have seen in many of the halting-places in my tour".³⁰⁰ The blame for the increasing frequencies of famine cannot be laid at the door of the Indian farmer. The famines are not of his creation, they are the effect of economic causes which he cannot control.³⁰¹

Famine has become a normal condition in India. In view of this fact the government has organized relief works for the famine victims. The relief consists in furnishing the unfortunates with employment upon public works. These include stone-breaking, excavating tanks, putting up embankments, building new roads, and keeping the old ones in repair. It will be evident from this that the work exacted from the innocent sufferers of famine in return for the paltry relief is of the kind which is de-

manded of convicts.³⁰² Rather than accept relief on such humiliating conditions, respectable people often stay at home and die of slow, agonizing starvation.³⁰³

The famine victims in the relief camps are paid in money for their labor. They work from six in the morning till six in the evening with an hour's recess for the noon-day meal. The wages are so low that a person who works full-time cannot make more than three cents a day! In all conscience, this is not enough for the diet of even a poor Indian peasant. The government spends about four cents a day for each convict in jail for his diet. Therefore, the man who goes to jail on a charge of robbery or murder is better taken care of than the honest person who is driven to the relief camp by tax-created famine.³⁰⁴

After all, the relief works are mere palliative measures. The administration of famine relief, no matter how efficiently it may be carried on, does not reach the heart of the problem. The money spent on the so-called relief comes from the people themselves. It is, as Mr. Dadabhai Naoroji has put it tersely, "a mere subterfuge of taxing the starving to save the dying. This fund does not rain from heaven, nor does the British Exchequer give it. If the government spend, say £5,000,000, on the present famine, they will simply squeeze it out of the poverty-stricken surviving taxpayers, who would in turn become the victims of the next drought".³⁰⁵

The Indian famine is not a famine of food; it is a financial famine.³⁰⁶ Poverty is its prime cause. One of the most effective ways of preventing famine would be to stop the impoverishment of agriculturists, and to reduce their taxation. In the light of the facts presented here it must be clear that had the people been dealt with more wisely by the tax-gatherers, there would have been more prosperity and fewer famines. The high taxation gives the people no chance to accumulate a reserve, to acquire "staying power". The ryot lives constantly "on the borderland of starvation". And as he cannot save enough even in good season to tide him over the bad, he succumbs easily at the least touch of scarcity.



VII

• THE PLACE OF INDIA IN THE EMPIRE

The latter-day politicians of England are practically unanimous in declaring that India is "necessary to our existence", and that without India Great Britain would be reduced to a "hopeless insularity".³⁰⁷ They constantly refer to Hindustan as "our magnificent dependency", "the brightest jewel in the British crown", "the key-stone of the arch" of the British Empire. A fine compliment for India! But leaving all imperialistic sentimentality aside, let us look the cold facts in the face and consider for a while the actual status of the Indians in the Empire. This can be done best in an investigation of the conditions of the Indian immigrants in such typical portions of the Empire as Australia, South Africa, and Canada.

Let us begin with Australia. According to Mr. A. H. Pritchard, the secretary of the Austral-Indian Society and the "recognized" official Indian interpreter for the state of Victoria for the past twenty-five years there are about 550 Indians in the state of Victoria, about 700 in New South Wales, 400 in Queensland, 60 in Tasmania, 250 in Adelaide, and 800 in Perth, Western Australia, or a total of 2,760 for the entire Australian commonwealth.³⁰⁸ They did not go to Australia uninvited. Owing to the scarcity of labor, the "squatters" sent for Indian hands as shepherds early in the nineteenth century.³⁰⁹ But all classes of Indians are today excluded from the "South Land" by the immigration restriction act of 1909 and the immigration restriction amendment act of 1905. The prohibitive clause of this act reads: "Any person unable to write out at dictation by an officer of a passage of fifty words in length in any prescribed language" shall be ineligible for admission to Australia. This law gives

the Australian officer, and not the Indian immigrant, the choice of language.³¹⁰ And not infrequently the authorities, in order to disqualify the Indian, ask him questions in European languages of which they are sure he knows nothing. Nor is this all. The decisive proof that it is the avowed policy of the Australian colonists to exclude their Indian fellow-subjects is to be found in the provision of the naturalization act of 1903. "By this act an applicant for a certificate of naturalization in the commonwealth must adduce evidence to show that he is not an aboriginal native of Asia, provided that he has not already been naturalized in the United Kingdom, and even in this case the governor-general of the commonwealth may withhold such certificates on the grounds of public good".³¹¹ Since this law has gone into operation not a single Indian has been naturalized in that country!

Australia with its sub-tropical climate, with its over two million square miles of territory and four and a half million of population surely has room enough for a few thousand of law-abiding, industrious, and honest British Indian subjects. But the doors are closed against them. They are "despised, cruelly treated, and deprived of the rights of citizenship. They are debarred from being enrolled as voters though there are several possessing real estate, and nearly every one has a bank account. They are not allowed to bring their Indian wives and children".³¹²

Let us now turn to South Africa. More Indians have gone there than to any other part of the Empire. They are to be found in all the states of the Union, but we shall confine our investigation to only a few of the principal provinces such as Natal, the Transvaal, and Cape of Good Hope.

It was in 1860 that the first Indians landed in Natal. As in Australia, they did not go to Natal uninvited. They were sent for to supply the shortage of labor.³¹³ In 1859 the land-owners of Natal petitioned the government for permission to introduce the Indian laborers. The Corporation of Durban backed their petition with the following statement:

"Independently of measures for developing the labor of our own natives, we believe your Excellency will find occasion to sanction the introduction of a limited number of coolie or other laborers from the East in aid of the new enterprises on the coast

lands, to the success of which sufficient and reliable labor is absolutely essential; for the fact cannot be too strongly borne in mind that on the success or failure of these rising enterprises *depends the advancement of the colony or its certain and rapid decline.* Experimental cultivation has abundantly demonstrated that the issue depends solely on a constant supply of labor.''³¹⁴

The Indians have fallen on evil days in South Africa. Their services are no longer appreciated by the native whites, notwithstanding the fact that the prosperity of Natal is due in a large measure to their patient toil.³¹⁵ Under the direct encouragement of the colonial government, the number of Indian laborers in Natal was 6,500 in the year 1870. Since then the Indian population has increased steadily. In 1907 it ran up to 115,000; and in 1911 it leaped to 122,000. 'Of these about 42,000 are Indians who have been indentured in India, and 62,000 Indians who either have been re-indentured in the colony or are descendants of those who were indentured in India, the remaining 18,000 being Indians who have gone on their own account'.'³¹⁶

The Indians in Natal, as indeed all over South Africa, are subjected to many harsh and cruel indignities. They cannot find accommodations in public hotels, they cannot use public baths, and in many places they cannot travel even in municipal trolley-cars.

Ordinarily it would seem that a subject of the British Empire should not be deprived of the means of his livelihood by his other fellow-subjects, yet the act of 1897 which requires every merchant to secure a trading license inevitably tends to that end. This law, to be sure, is of a general character, but in practical operation it is capable of indefinite administrative differentiation.³¹⁷ The licensing officer is advised not to grant a new or to renew an old license if the applicants do not keep their premises in satisfactory condition or fail to keep their books in English.³¹⁸ He has, to use the words of a chief justice of Natal, "absolute discretion" to grant or refuse license.³¹⁹ There is no appeal from his decision. Thus, it is easy to see how the licensing officer, who is elected to his position by the votes of the white merchants, should be influenced in not giving licenses to their business rivals, the Indian traders. Mr. Henry S. L. Polak, Attorney of the Supreme Court

of the Transvaal, gives in his very illuminating book fifteen typical cases where Indians, who had already established themselves well in business, were totally ruined because of the pre-emptory refusal of the officer to renew their license.³²⁰

Since July 1, 1911, a law has been passed in India prohibiting the transportation of indentured labor from India to Natal. And one of the serious grievances from which Indians suffer is the imposition of a fifteen-dollar annual tax upon every ex-indentured Indian, including boys above sixteen and girls above thirteen years of age. "This tax has driven a large number of Hindu women to a life of shame, while many men have been compelled on its account either to take to crime or to desert their families."³²¹ To-day the free immigrants from India are practically prohibited from entering Natal by the so-called education test. The Immigration Restriction Act of 1903 provides that "any person who when asked to do so by any duly authorized officer shall be unable to himself write out and sign in the characters of some European language an application to the satisfaction of the Minister"³²² shall be excluded. Although no official information as to the actual conditions of the Indians in South Africa is available to outsiders,³²³ it is certain that the restriction act of Natal has proved as effective in excluding Indians as similar legislation in Australia.

The grievances from which the Indian immigrants suffer in the Transvaal, may be classified under three heads; "restriction of immigration; methods of registration; and disabilities in respect of tenure of property, residence, trade and the use of public facilities of locomotion".³²⁴ A moment's consideration of these facts will reveal the extent of the hardships to which the Indians are subjected in the Transvaal. The Transvaal government permits no Indian to enter the province "other than of *bona fide* refugees who left on the eve of the (Boer) war, and they are only admitted gradually and after long delay for the consideration of their applications".³²⁵ The acts of 1907 and of 1908 have been, perhaps, the most obnoxious of all laws operating against the Indians. These acts demand that the Indians who have secured the right of entrance in consideration of their former domicile should register in the office of the Registrar of

Asiaties and obtain a pass or certificate. As if this requirement was not enough, they must also affix their thumb and finger impressions to their names, like criminals who have to be identified. "Any police officer can ask any Asiatic to produce the certificate at any time, and those who cannot or will not produce it can be immediately hauled up before a Magistrate, and after a trial, sentenced to three months' hard labor or a fine of £100. Those who enter the country before providing themselves with the certificate as mentioned above, can be deported, in the first instance, by the order of the Executive Government, and those who re-enter after the said deportation ceremony is gone through, can be hauled before a Magistrate and sentenced to six months' hard labour, or a fine of £100".³²⁶

This treatment is meted out to all Indians irrespective of their character or social standing.³²⁷ Rather than submit to such degrading conditions, Transvaal Indians organized what is known as the "Passive Resistance Movement" and went to jail by the hundreds. The sufferings that the "passive resisters" went through with heroic courage and determination will ever remain one of the tragic chapters in the history of Indian immigration.³²⁸

Not only the Indian immigrants, but also the Indian visitors are barred from entering the Transvaal. Under the new regulations only persons of certain education and respectability can go through the "forbidden" African country when provided with "temporary permits". This means plainly that a member of the British Empire is not free to travel within the Empire. In discussing this point, Mr. S. M. Mitra justly voices the sentiment of India when he writes as follows in the *Pall Mall Gazette*:

"Why, even Russia does not require this (passport) from her subjects. The Mahomedans of Bokara and Khiva, portions of the Russian Empire, are not restricted in moving about within that Empire. Again, consider America. The negro, the lowest form of humanity, is allowed to move about the United States as freely as any white person; he is in the full sense a citizen. Any of the subjects of the Sultan may travel from Constantinople to Mecca without passport. Russia and Turkey, backward countries, require passports from foreigners only, not from their subjects; our Imperial Government has agreed to passports being

required within the Empire Is it meant, in short, that the inferior Indian is not to be admitted to the Transvaal, even as a visitor, because he has a brown skin? What kind of citizenship of the British Empire does the inferior Indian then possess? Are there two kinds of citizenship, one of British India, the other of the British Empire? Where does Liberalism or Imperialism come in?³²⁹

As to the third list of grievances it appears that the Indians can own no real estate on certain streets or at certain locations. This law is strictly enforced, even when the landed property is needed for religious purposes. Furthermore, the Indians are not free to choose their place of residence. They have to live, like the Jews, far away from the town, in such places as the government may be pleased to assign. The commercial interests of the Indian residents are also being deliberately injured through the lack of sufficient government protection. The Indian merchants are black-listed, boycotted, and even picketed with the connivance of the government. "In some cases Vigilance Associations have been formed, largely to watch the Asiatic traders. Public meetings have been held at which resolutions have been passed demanding the removal of the Asiatics to other locations. In one case a boycott was resolved upon and pickets were placed before the Indian stores to see who purchased at them; at another place a "black list" was drawn up of all property owners who had let premises to Indian traders who, by the way, usually offer higher rates than Europeans. The latest idea was embodied in the following resolution carried by the Krugersdrop Town Council :

"(a) 'That in future no tender for Municipal work or supplies be accepted from any person, persons or company, hiring or leasing business premises to Asiatics. (b) That notice of the motion be given to the Transvaal Municipal Association: That legislation be enacted at the earliest possible date, vesting in local authorities the allocation of trading stands and residential premises to Asiatics' ".³³⁰

Indeed, the Indian immigrants are treated in the Transvaal as outcasts.³³¹ In Pretoria and Johannesburg they are prohibited by law from walking on the side-walks. Not only that, but they

are also forbidden in these two "white" cities from making use of the ordinary trolley-cars.³³²

The Hindustanese fare much better in the Cape of Good Hope than in any other province in the South African Union. There any British subject of over twenty-one years of age, able to write his name and address, is entitled to vote, provided he has lived in the colony for one year, owns property to the value of seventy-five pounds or earns not less than fifty pounds a year.³³³

Although the Cape government has been more liberal towards the Indians than any other government in the Union, it does not follow that the Indians have no disabilities in the Cape of Good Hope. Two of the most objectionable laws which affect the Indian immigrants are the Immigration Restriction Act and the Dealer's License Act. Both of these acts are copied from Natal, and they are both just as harmful to the interests of Indians in the Cape as they are in Natal.

In connection with the Indian problem in South Africa some mention should also be made of the indentured labor system which prevails all over South Africa except in Natal. As has already been pointed out, the scarcity of labor has always been acutely felt in South Africa. The natives having proved inefficient and unreliable as workmen, the colonists introduced Indian laborers under indenture.³³⁴ Now, indentured labor is another name for legalized slavery. Strangely enough, this is permitted by the Indian government at the expense of India for the benefit of the English colonies. Mr. Gokhale, in moving a resolution in the imperial council for the total abolition of the recruitment of Indian laborers under indenture, thus describes the chief features of this servile labour system :

"Its principal features are roughly six. Those who are recruited under this system bind themselves, first to go to a distant and unknown land of which they have no idea, of the language, life, customs, and usages of which they are totally ignorant, and where they have no friends or relatives. Secondly, they bind themselves to work there for any employer to whom they may be allotted, whom they do not know personally, and who do not know them; and in whose choice they have no voice. Thirdly, they bind themselves to live, during the period of indenture, on the

estates of their masters, unable to absent themselves or even to go on short visits without a special permit, and compelled to do such tasks as might be assigned to them, however irksome they may be. Fourthly, they bind themselves to their master for a period generally of five years, during which they have no power to withdraw voluntarily from the contract. Fifthly, they bind themselves to work for a fixed wage during the time, which is inevitably lower than that paid to free labour around them. And sixthly and lastly—and that is the worst feature of the system—they are placed under a special law never explained to them before they enter into the agreement, which throws a criminal liability on them for the most ordinary breaches of the contract in place of the civil liability usually attaching to such breaches. Thus under the law, they are liable to imprisonment with hard labor not only for fraud, not only for deception, but for negligence, carelessness, and, will the Council believe it, even for an impertinent word or gesture to the employer or his overseers".³³⁵

The government in supporting the indentured labor system maintains that it rests on a free contract. This is presumptively true, but as a matter of fact the ignorant, illiterate villagers are tricked into signing the contract, whose very contents they have not sufficient intelligence or education to understand. In the majority of cases the contract is induced by fraud.³³⁶ "The labourers are given all sorts of false hopes and promises, and are made to believe that they have simply to go there in order to obtain nuggets of gold, which they can do by simply digging the land which is represented to them as full of riches of all sorts. As soon as they yield to these and similar temptations, they are made to affix their signatures to a document binding them for five years to serve unknown masters in distant lands, of which they have no conception whatever, for a mere pittance. Legally, they are supposed to have voluntarily entered into the contract, and to be able to understand its terms fully, though the document is so worded, as all legal documents are, that even lawyers would not find it easy to interpret it always properly".³³⁷

Mr. Gokhale's resolution, to which reference has already been made, demanded that the indentured system should be altogether done away with. But the resolution, although unanimously sup-

ported by the non-official members of the council, was killed by the opposition of official members. Take as long as it may, India will never give up the fight till she succeeds in overthrowing this "traffic in human flesh". How long will the English government trifle with Indian public opinion in order to cater to the colonies?

The history of Indian immigration to Canada dates from 1905.³³⁸ The causes which induced this immigration to Canada are, roughly speaking, three; the scarcity of Japanese labor owing to the Russo-Japanese war, the inadequacy of the Chinese labor due to immigration restriction, and finally, the insistent demand of the Canadian Railroad Company for more labor.³³⁹ All these causes combined gave such encouragement to Indian immigration that in 1905 there came to the Dominion 45 Indians, in 1906, 387, in 1907, 2124, in 1908, 2623.³⁴⁰ Much opposition was then aroused against Indian immigration, and the Canadian government passed a law in the spring of 1908 excluding the Indian immigrants from Canada. The law, though general in character, was aimed specially at the Indians. The Immigration Act of 9 and 10 Edward VII laid down the rule that "from and after the date hereof the landing in Canada shall be and the same is hereby prohibited of any immigrants who have come to Canada otherwise than by continuous journey from the country of which they are natives or citizens, and upon through tickets purchased in that country or prepaid in Canada".³⁴¹ As there is no means of getting to Canada from India by a continuous journey, the Indians are therefore automatically excluded from the Dominion. It will be noticed that the immigration act not only excludes the Indian laborers, but all classes of Indians, irrespective of education, wealth, or social position.³⁴²

Furthermore the practical working of this law has entailed serious burdens on those Indians who wish to go through Canada or visit their friends even for a few days. Besides the immigration act, the Dominion government by an order in council, dated June 3, 1908, required that the amount of money in the possession of Indian laborers upon landing should be increased from \$25 to \$200. These two measures secured the purpose for which they were intended. In 1909 the number of Indians admitted to

Canada was six, during 1910 there was only one, and in the year following there were five.

If the object of the Dominion government be sincerely the exclusion of the Asiatics, why then are the Japanese and the Chinese preferred to the Hindustanese? During the year 1911 there came into Canada 5,720 Asiatics. Of this number, 5,278 were Chinese, 437 Japanese, and only 5 Indians.³⁴³ This discrimination cannot be due to the fact that the Indians, as a class, are inferior to other Asiatic peoples, for the weight of evidence is decidedly on the side of the Indians.³⁴⁴ To give a few concrete instances in which the Indians are discriminated against as an alien people, let us take the case of the Japanese. According to a mutual agreement in 1908, Japan can send to Canada 400 immigrants in any one year,³⁴⁵ but the Indians are totally excluded. Again, a Japanese who has in his possession only \$50 can land in Canada, but an Indian must have at least \$200. Moreover, a Japanese or Chinese can bring his wife and children into Canada, whereas the Hindustanese cannot.³⁴⁶ All this constitutes such gross discrimination that no other government but that of India would tolerate it. To be sure, the Canadians would not dare treat the Japanese as rudely as they do their Indian fellow-subjects, since the Japanese government would certainly retaliate.³⁴⁷

There are in Canada today about 6,000 Indians, mostly in British Columbia. Of these 1,500 are to be found in Vancouver, 600 in Victoria, and the rest are scattered in the rural districts. About ninety-three per cent of the Hindustanese in Canada are Sikhs, the remaining seven per cent are made up of people from various other classes. The Sikhs are monotheists; they may be called the "Protestants of India". They represent "the influence of Moslem philosophy on Hindu belief".³⁴⁸ The great bulk of the Indian immigrants are for the most part unskilled laborers, but there are many among them who are more than mere common laborers. Dr. Sunder Singh, the able leader of the Hindustanese in Canada, has estimated that the Indian colonists own \$2,000,000 worth of real estate in the Dominion.³⁴⁹

Having briefly reviewed the conditions under which the Indians have to live in the British colonies, it may be well to con-

sider some of the objections advanced against them by the colonists. In the first place, they maintain that the introduction of Indian labor will supplant white labor. This apparently is a strong argument. But Indian wage-earners are like machines, and machines, all economists are practically agreed, do not displace labor.³⁵⁰ There is no logical basis for thinking that the Indian working man is unfairly competing with the colonist. Competition can only take place between persons of the same class. There cannot conceivably be any competition between lawyers and doctors, merchants and missionaries. The Indian working-man does not belong to the same class as the colonist. The Indian does not do the kind of work which the colonist performs. In Australia, the Indians are employed on the farms in all sorts of menial work. In South Africa, the great majority work in mines, factories, and on farms. There are, to be sure, in South Africa a number of people who are engaged in small trades. But these men³⁵¹ serve the Indian community chiefly, and to a limited extent cater to the colored natives and the poor whites who "otherwise would be unable to procure even necessities, let alone luxuries".³⁵² In Canada, the Indian immigrants find employment chiefly as unskilled laborers on the railways, in lumber and shingle mills, and in the fishing industry.³⁵³ In short, the Indians do not compete with the colonists, nor do they supplant the white laborer.

The only serious objection raised against the Indian immigrants is that they send back home a considerable portion of their earnings. The reason for this is that, since they are not allowed to bring in their wives and children, they must send remittances to India to support their families. Doubtless, the sum represented by these home remittances is very small. But is not the same thing done by the Australian, the Canadian, and the English who come to India as civil servants? These men, these "birds of passage", after a few years of stay in India, not only return to their native homes with accumulated fortunes, but they also continue to draw pensions from India as long as they live. If the colonies wish to reap the advantages of being in the Empire, why should they not also share its advantages equally?

When all is said and done, it seems that Indian immigration

is viewed by the colonists not as an economic question, capable of practical solution, but rather as a racial question subject only to racial prejudice. It is probably for this reason that we find the Indians penalized in the colonies. Their habits of industry, frugality, and simplicity, instead of finding hearty commendation, meet with condemnation.³⁵⁴ The strangest thing about it all is that the immigration laws in the colonies aim not only to exclude the laborers, but also the princes who are in alliance with the British king, members of the Privy Council of the Empire, visitors, students, and merchants. These men, although they are not permitted to set foot on colonial soil, have free access to the best society in any European capital. The one-sided character of the exclusion legislation of the colonies becomes very apparent when we remember that the colonists are not only free to enter India and engage in such trades and occupations as they wish, but even "the highest posts in the imperial service in India are open to subjects of his Majesty from the Dominions".

The people of Hindustan deserve more respectful consideration at the hands of the colonists. India is an important asset of the Empire. "While Great Britain receives no contribution in aid of Imperial defence from Canada, and very little from other Self-governing Colonies, India pays over £100,000 per annum for the British Navy, and pays her share of the military expenditure of an Imperial character".³⁵⁵ Lord Curzon, in stating the various contributions of India to the imperial service, once admitted that "Natal would not have been saved in the Boer War of 1899-1900, and the European legations at Peking would not have been rescued in the Boxer rising in China in 1900, but for the contingents that were despatched to the scene of war from India. To South Africa I sent out in the Boer campaign 13,200 British officers and men from the British army in India, and 9,000 natives, principally followers. To China we despatched from India 1,300 British officers and men, 20,000 native troops and 17,500 native followers".³⁵⁶ It is a fact that His Highness the Maharaja of Sindhia equipped and took a hospital ship to China at his own cost.³⁵⁷

And during the present European war India is pouring out

her blood and treasure in Mesopotamia, Egypt, Africa, and in the trenches of Europe. Shortly after the war began King George in a message to the prinees and peoples of India declared : "The full measure in which they have placed their ser-viees and resoureees at my disposal fills me with gratitude".³⁵

Queen Victoria, in her Proelamation of 1858 made this solemn pledge to India : "We ourselves (are) bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and these obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fulfill". According to this pledge, the Indians are entitled to the same rights and privileges as any other Brtitsh subjects within the Empire. However, they do not insist that this pledge be carried out all at once; they do not wish to embarrass the imperial government unnecessarily. They are willing to be satisfied at present with only a partial redress of their grievances. Being moderate in their demands, they claim that they should be given the right of free entry into the colonies on the same terms as the non-Indians. They should have freedom to trade, and freedom to choose their residences. On their part the Indians will co-operate with the local governments to exelude the undesirables, and, if necessary, they will undertake to furnish bonds that Indian immigrants do not become public charges. How can the Indians, keenly sensitive of their national dignity and self-respect, ask for less than this? At present the colonists say to us in effect : "You must buy our goods; you must welcome our missionaries and anything else that we are pleased to send. You are a part of the British empire; you must furnish us with work; you should pay for the protection of our country; but do not show your faces within our gates on the peril of your lives". The colonists who follow this line of argument, and turn a deaf ear to the voice of reason, would do well to pause over the words of Mr. Joseph Chamberlin addressed to the premiers of the self-governing colonies in June, 1897 :

"The United Kingdom owns as its highest and greatest dependency that enormous Empire of India, with 300,000,000 of subjects, who are as loyal to the Crown, as you are yourselves, and among them are hundreds and thousands of men who are

every whit as civilized as we are ourselves, who are, if that be anything, better born, in the sense that they have older traditions and older families, who are men of wealth, men of cultivation, men of distinguished valour, men who have brought whole armies and placed them at the service of the Queen, and have in times of great difficulty and trouble.....saved the Empire by their loyalty. I say, you who have seen all this cannot be willing to put upon those men a slight which I think is absolutely unnecessary for your purpose, and which would be calculated to provoke ill-feeling, discontent, irritation, and would be most unpalatable to the feelings not only of Her Majesty the Queen, but of all her people".³⁵⁹

VIII

THE INDIAN RENAISSANCE

After long slumber India is at last awakening to fresh life and vigor; her heart is throbbing with new impulse; her soul is being stirred with new emotion. One-sixth of the human population of the world is today on the threshold of a new epoch—an epoch which promises immense possibilities. These people are stretching out their arms and working out their faith and their destiny. The gloomy pessimism of the Indians has given way to bright hopefulness, born of a new consciousness of strength. In spite of the barriers which stand in their way, they are steadily forging ahead, with cool sagacity, in heroic self-sacrifice and under able leadership. They seem to have caught a glimpse of a vision which is noble, sane, and sage-like. In short, they have become conscious of their latent energy and power as a nation.

The question has been raised by many as to whether India is really a nation or merely a geographical expression. It is true that India is inhabited by several races of people, and that there is a considerable lack of homogeneity in its religious and social ideas. But this does not mean that there is no Indian nation.³⁶⁰ The Rajputs, the Mohammedans, the Maharattas, the Parsis, and the Brahmans, differing from one another in many respects, are nevertheless knit together by the common tie of veneration and affection to a common mother country. The Indian civilization, like the American, is of composite type: it is made up of various elements. And these apparently diverse elements, instead of being a source of weakness, have contributed powerfully to the strength of India's national character.³⁶¹ "The Rajput has given it his stern chivalry; the Mussulman his keen, almost jealous sense of honour; the Mahratta his endurance

and hardness; the Parsi his wide-awake enterprise and adaptiveness; and the Brahman his subtle and pervasive intellect".³⁶² They live in the same Aryan land, are subject to the same sovereign and the same laws, and are under the same government. They have become welded into one phalanx by common interests, common wrongs, and common disabilities. On the whole, they find "in essentials—unity; in non-essentials—liberty; and in all things—charity".

Whatever differences may have existed in past time among the people of India, under the external pressure of foreign domination, these are fusing and melting into a solid unity. Moreover, this fusion will become more and more pronounced as time goes on. History abounds in practical illustrations of this principle. "Lack of unity and organization was the chief weakness of the Greek political system..... Mutual jealousy prevented any union except loose confederations, and frequent wars destroyed in turn the power of the leading cities. Greece, thus weakened, was at length united only when conquered by some outside power, such as Macedon or Rome".³⁶³ Turning to modern times, in America we find that until the War of Independence there was no American nation. Although several attempts had been made to weld the thirteen colonies into one union, they failed. "It required the patriotism and pressure of the long war to fuse colonies into a nation".³⁶⁴ In India, unless all signs fail, the process of fusion is already in active operation. Stirred with patriotic resolve, the people are beginning to unite in will and deed.

Hence we can safely conclude that ethnic unity is not absolutely necessary to national entity. The experiences of Austria-Hungary, the United States, and the Swiss Confederation offer enduring proof of this fact. The people of India are "thinking nationally". Their nationality is as potent and dynamie as the Swiss or American. It is founded on the geographical homogeneity. It is based on common traditions, hopes, aspirations, and above all on common burdens.

The causes of the national awakening in India are manifold. They may be roughly classed as the direct and the indirect causes. Under the latter class might be included the following:

the call of the past, the religious revival, Western education, the growth of the press, the improved means of communication, and the influence of neighboring countries.

Some fifty years ago, when English education was formally introduced into India, the people became intoxicated with Western learning and lost their mental poise. They flatly repudiated all that was Indian, and welcomed everything that was foreign without discrimination. They despised their own past, they rejected the present, and they looked to the West for salvation in the future. They adopted European clothes and affected European manners. They scorned their own literature, history, religion, philosophy, music, and art, because they were Indian, and they turned to the West for substitutes. In the fullness of time, however, the anti-Indian experienced a natural and wholesome reaction. He woke up to find that the "better angels" dwell not in the distant, alien West, but nearer at hand, in his own national consciousness.³⁶⁵ This does not, of course, imply that India should build her ideals upon hatred of foreigners and of things foreign;³⁶⁶ it means that she should take up all that which is good, and of value in foreign character, methods, and teachings, and adapt it so far as possible to the purposes of her own growth and development without violently breaking with her own historic past. It is not a cry "India for the Indians", but a demand for a new and regenerated India, capable of moving by herself, animated and guided by the spirit of her own great past. This is the real meaning of the call of the past. With the dawning of this simple but momentous fact in his mind the anti-Indian made truce with the past, expressed his loyalty to the past, and attempted to connect the past organically with the present.

Religion is the very soul of Hindustan. With the Hindustanese it is the directing force, the controlling motive, for all their actions.³⁶⁷ It is probably due to this fact, more than to any other, that nearly all Indian leaders in social and political lines are also men of religion. When in the early nineteenth century India, under the impact of Europe, began to bestir herself, there commenced a revival of Sanatana Dharma, "the eternal Hindu religion", and the history of Western Europe of the

sixteenth century began to repeat itself in India. As the European renaissance received its strongest impetus from the reformation of religion, so also has the Indian renaissance. The awakened religious consciousness of India found its first concrete expression in the Brahmo Samaj (Brahmo Society). The Samaj was founded at Calcutta, in January, 1830, by Ram Mohan Roy. His idea was not so much to found a new creed as to restore Hinduism to its ancient ideal of pure monotheism. The Brahmo Samaj does not believe in mediation. It does not regard any religious book as infallible. On the contrary, it accepts all truths wherever they may be found. It believes in salvation through character.³⁶⁸

At the time Brahmoism came upon the stage of Indian religious history, Christian missionaries were busily engaged in propagating Christianity. In a short time, however, Brahmoism arrested the spread of Christianity among thoughtful Indians.³⁶⁹ Brahmoism as preached by its eminent leaders, Ram Mohan Roy, Keshab Chandra Sen, Debendra Nath Tagore, and Protap Chandra Mozumdar, regards Christ as a great man, and not as a god.³⁷⁰ They took their inspiration from the teachings of Christ as they did from those of Budha, Mohammed, Confucius, and Lao-Tze.

From the very first Brahmoism interested itself in social reforms. It favored the re-marriage of widows, the abolition of early marriage, the spread of education among women, and the uplift of the depressed classes, the outcasts, and the aborigines. The special contribution of the Brahmo Samaj to India lies in its pointing out that an Indian may attain his highest intellectual, spiritual, and social development without sacrificing essential Hindu traditions.

Another religious movement of a similar character was launched in Bombay in 1875 by Dayananda Saraswati. It was called the Arya Samaj (Arya Society).³⁷¹ What the Brahmo Samaj has done for Bengal, the Arya Samaj has done for Northern India, especially the Punjab and the United Provinces. The Arya Samaj denounces caste, the seclusion of women, early marriage, compulsory widowhood, and other lamentable fungoid growths of later Hinduism. It has established schools and col-

leges, set up orphanages and houses for widows, rendered famine and other charitable relief in times of distress.³⁷² But the Arya Samaj is more national in the scope of its religious teachings than the Brahmo Samaj.³⁷³ The fundamental idea of the Arya Samaj is the unity of God as revealed in the four *Vedas*, *Rig*, *Yajur*, *Sam*, and *Atharva*, and their inspired commentaries.³⁷⁴ The religious and the patriotic nature of the movement has inspired its followers to enthusiastic self-sacrifice. "Many men give to the Samaj a month's pay every year and others as much as *half their entire salary*. Others, again, put aside, in a separate vessel, a handful of meal out of every portion taken for their daily food, and sell the accumulated store for the benefit of the Samaj at the end of each month. Widows, who have not further need of their jewels, have been known to present them to the Samaj".³⁷⁵

The Arya Samaj welcomes non-Hindus into its fold. It receives persons who have been converted from Hinduism to Christianity or Islam. In this combat for winning souls, the Arya Samaj has proved a serious rival of alien Christian proselytizing agencies. The Christian missionaries, though well-provided with money, have found to their great disappointment that the Arya Samajists, in spite of their poor financial backing, are meeting with great and steady success. And this success, no intelligent observer can deny, is due to the sincerity of purpose, the purity of character, and to the unflinching devotion of the Samajists to national ideals.

The Ramkrishna Society is the third great national development of Hinduism which has stirred India. It is younger than the Arya Samaj. It sprang up in Bengal about the person of its magnetic and spiritual founder, Ramkrishna Paramahansa.³⁷⁶ Although the movement goes by the name of the Ramkrishna Society, its followers are usually called the Vedantists from their belief in the *Vedas*. In this respect, they are somewhat like the Arya Samajists. The Vedantist teach a philosophic form of Hinduism which transcends the narrow limitations of race and country. "But their more modern advancement and universality bring them nearer the Brahmo Samaj".³⁷⁷ As a matter of fact, the Vedantists seem to stand between the Brahmo Samaj and the

Arya Samaj. The Vedantists are "believers in the Hindu scriptures, but preachers of a universal religion; free from the caste restrictions of travel, marriage, and food, but strongly national in their devotion to the country".³⁷⁸

The practical program of the Ramkrishna Society in the field of social well-being is similar to that of the Brahmo Samaj and the Arya Samaj.³⁷⁹ Moreover, it has taken aggressive steps, like the Arya Samaj, in the propagation of its teachings.³⁸⁰ There are now several branches of the Society to represent and disseminate Vedic thoughts in America. Such, in brief, are the three most important religious movements which have kindled in India a deep religious fervor, and which have sought to awaken a sort of spiritual patriotism.

As the new learning was one of the chief instruments in hastening the renaissance in Europe, so the introduction of foreign education has contributed to the awakening of India. Western sciences, Western literature, and Western history gave new tone and color to Indian thought. Moreover, hundreds of Indian students who had been educated abroad, came home with their minds richer and their outlook widened.³⁸¹ They brought with them some knowledge of the secrets of Western greatness, and India, always a prompt and apt pupil, set herself to weave the new truths into the fibre of her being.

The phenomenal growth of newspapers³⁸² and periodicals has also lent its influence to the making of modern India.³⁸³ The press has nurtured and trained the people to a keen sense of their new duties and obligations; it has evoked public opinion and shaped public sentiment. The Indian newspapers have consistently stood forth as the defenders of public rights and the champions of the weak and the oppressed. Nothing escapes their ever-vigilant eyes; everything is set down in the sharpest, clearest light. These newspapers, though they are not as "live" and "spicy" as those in America, have nevertheless been a great means of popular education. They have brought facts from the library to the parlor, from the scholar to the man in the street.

Improved means of communication have been an important factor in Indian nation-building. The fast trains,³⁸⁴ the telegraphs, the telephones, the post office, and the steamboats have

annihilated time and space, and have put everybody in touch with everybody else. They have broken down many prejudices, removed many social barriers, and widened men's minds. Their influence in advancing social and political progress is as unquestioned as it is unquestionable.

While all these changes and transformations have been taking place, India has not been altogether unresponsive to the progressive influences of her neighbors. The marvellous success of Japan in establishing and administering constitutional government has shown India what she could do in the way of maintaining modern representative institutions, if she were free.³⁸⁵ Then again, the crushing defeat of Russia by Japan brought a new lesson home to India.³⁸⁶ It taught her that European nations in their conflict with Asiatic powers are not invincible, as had hitherto been thought. It gave a living demonstration to India that in the future no European country will be able to exploit any part of Asia indefinitely.³⁸⁷

Japan, however, is not the only country which has had a message for India. Persia and Turkey by their efforts to establish parliamentary government influenced India. But the greatest inspiration was to come from where it was least expected—from China. Old Cathay, the chosen seat of conservatism and despotism, stirred by the world-wide democratic spirit of the age, established a republican government. Never before had the Orient witnessed a more stupendous change. The people of India then reasoned that if China, the most conservative of Asiatic countries, the most absolute of despotic governments, is fit for democratic government, why is India not competent to try the experiment?

These are a few of the far-reaching causes which have indirectly aided in bringing about the awakening of India. But there are other and more immediate causes which explain the change. These causes are mainly two; the English disregard of public opinion, and the enactment of various repressive measures.

That public opinion in India has been systematically ignored by the government has been shown in previous chapters. But it has never been more flagrantly and more arbitrarily violated than when the Viceroy, Lord Curzon, partitioned the provincee

of Bengal on October 16, 1905. Bengal is the most advanced and progressive of all the provinces in India. The Bengalis, because of their growing political influence, were looked upon with disfavor by the government. Hence Lord Curzon, by dividing the province into two parts, hoped to "shatter the unity" and "undermine the feelings of solidarity" of the patriotic people of Bengal.³⁸⁸ This action developed overwhelming opposition against the government, not only in the affected province, but throughout India. For such tremendous and united opposition against a government measure, Indian history has no parallel.³⁸⁹ In Bengal alone over five hundred public meetings were held to protest against the dismemberment. "Memorials to the same effect poured in upon the Viceroy. The Secretary of State for India was implored to withhold his sanction of the proposed measure. The intervention of the British House of Commons was sought first by a monster petition, signed by sixty-thousand people, and later by means of a debate on the subject raised in the House by our ever-watchful friend, Mr. Herbert Roberts".³⁹⁰ These great demonstrations were not heeded in the least by the government, which ruthlessly cut Bengal in two.³⁹¹

Fortunately every cloud has a silver lining. Summarizing the moral effects of the Bengal partition, Mr. Gokhale said in his Presidential address before the Indian National Congress; "For the first time since British rule began, all sections of the Indian community, without distinction of caste or creed, have been moved by a common impulse and without the stimulus of external pressure to act together in offering resistance to a common wrong. A wave of true national consciousness has swept over the Province (Bengal), and at its touch old barriers have, for the time, at any rate, been thrown down, personal jealousies have vanished, other controversies have been hushed".³⁹²

Among the various acts of repression which have seriously affected the liberty of the individual and aroused the people to common action against the government the following are the most notorious: Seditious Act (Act IV of 1898, *Indian Penal Code*, Section 124 A), Regulations for Deportation (Regulation 3 of 1818), Good Behavior Act (Act V of 1898, *Criminal Pro-*

cedure Code, Section 108), Seditions Meetings Act (Act X of 1911), and the Press Act (Act I of 1910).

It is difficult to make out just what offences constitute sedition in India. The law reads that "whoever by words, either spoken or written or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards Her Majesty or the Government established by law in British India" shall be guilty of committing sedition.³⁹³ What does the word "disaffection" mean? One of the justices of the Bombay High Court explained that this term meant "want of affection".³⁹⁴ Now, how can the hearts of a subject people be filled with love and affection for alien rulers who themselves are not in sympathy with the aims and aspirations of the people?

The regulation for deportation goes even further; it provides that "whereas, reasons of state render it occasionally necessary to place under personal restraint individuals against whom there may not be sufficient to institute any judicial proceedings", such persons may be arrested and deported without any trial whatsoever. It was through this act that in the year 1908 nine ✓ of the strongest leaders of the country were deported without trial or even preferment of specific charges.³⁹⁵ Probably no other country in the world, outside Russia, has such an enactment on its statute books, making it legal for the government to spirit away people from their homes without charge, trial, or conviction, and to confine them in unknown Bastilles.

If the government wants to put a person not of sufficient importance to merit deportation under restraint, the Good Behavior Act, serves the purpose. Under the cover of this law, a magistrate, who is not even required "to inform the person concerned of the source of his information", may order an individual to execute a bond for good behavior.

In all civilized countries the right of the people to assemble together for lawful purposes is fundamental. It "derives its source", to use the language of the American jurist, Chief Justice Marshall, "from those laws whose authority is acknowledged by civilized man throughout the world".³⁹⁶ "It is founded", said the American Chief Justice Waite, "wherever civilization

exists".³⁹⁷ Yet the civilized people in India are denied the right of holding meetings by the so-called Seditious Meetings Act. The local government acting under this law may proclaim an area, and the district magistrate or the commissioner of police may prohibit any public meeting in that area. Now, a "public meeting" is defined as a "meeting which is open to the public or any class or portion of the public". "A meeting may be a public meeting notwithstanding that it is held in a private place and notwithstanding that admission thereto may have been restricted by ticket or otherwise".³⁹⁸ Such an act as this can have only one result; it arrays the people secretly, instead of openly, against the government.

There have been several press acts in India. By the last press act the government has assumed control of printing presses and publishers. At present every person starting a new printing-press is required to deposit with the magistrate "an amount, not being less than five hundred or more than two thousand rupees, as the Magistrate may in each case think fit to require".³⁹⁹ And whenever it appears to the local government that the printing press has issued "any newspaper, book, or other document, containing any words, signs, or visible representations which are likely or may have a tendency, directly or indirectly, whether by inference, suggestion, allusion, metaphor, implication, or otherwise",⁴⁰⁰ to excite sedition, then the local government may declare the security "forfeited to His Majesty".

The question immediately raises itself in the minds of the Indian journalists, "Can anyone write anything for the press without a violation of this Press Act"?⁴⁰¹ Sir Herbert Risley, who was in charge of the press act of 1910, explained to the council what he meant by "sedition". According to his interpretation to say "that the Government is foreign and therefore selfish", that "it drains the country of its wealth and has impoverished the people", that "it allows Indians to be ill-treated in British colonies", that "it levies heavy taxes and spends them on the army", that it "pays high salaries to Englishmen and employs Indians only in the worse-paid posts", is seditious.⁴⁰² Thus, under the fiction of suppressing sedition, the government has destroyed the freedom of the press, regardless of the fact

that in an absolute government like that of India liberty of the press is doubly essential to public education, public morality, and public advancement.

One of the chief objects of the press, the world over, is to give expression to public sentiment—to help along the cause of good administration by pointing out the government's weak points. If in the act of discharging this very necessary duty, criticism against the existing government becomes imperative, it should not be made the basis of a specious plea for gagging the newspapers. Suppose the Indian Press Act were enforced in England for a day! What would happen? Would not the majority of the Tory papers, which are habitually attacking the Liberal government, be indicted for sedition? Would not the greater portion of the Conservative leaders, who take such peculiar delight in finding fault with Liberal policies be comfortably lodged behind the bars at Newgate? If such a law be unreasonable and outrageous in England, then why should it be considered otherwise in India? Is it fair that the English people should have one conscience for England and another for India?

The Indian renaissance is no accident. It has grown out of the troubled, restless forces and conditions above referred to. A general grasp of the interplay of these forces will give one an idea as to how vast and intricate the problem really is. While it is true that this renaissance has not been brought about by any single cause, it is nevertheless certain that the Russian methods of administration in India, more than anything else, have been the chief irritant. They have aroused among the people a national feeling, and have nerved them to resist further encroachments upon their cherished rights and liberties. Of course, the average stay-at-home English politicians do not realize the vast change through which India has passed during the last few years. Those who by the irresistible logic of events, have been compelled to admit the change, instead of rejoicing at the new birth of nationalism, view it with ill-disguised contempt and disgust, if not positive hatred and alarm. They stamp it with the term "unrest", and they brand it as "sedition".⁴⁰³

Sedition or no sedition, the stupendous fact that India is

seething with discontent cannot longer be denied. The Indian people are everywhere growing restless under the present bureaucratic system of government. Bureaucracy, let it be admitted, has brought efficiency into administration; it has made easy the performance of the police duty of keeping peace and order. But is the cost and the sacrifice involved worth the gain? Bureaucratic government has its inherent evils. It denies the people the "opportunity to accustom themselves to public service"; it deprives them of the privilege of acquiring political experience in their own government.⁴⁰⁴ Under the present regime Englishmen have a monopoly of all the high places in the government,⁴⁰⁵ and reap nearly all the experience and wisdom. "While in India they acquire India's money, experience and wisdom, and when they go, they carry both away with them, leaving India so much poorer in material and moral wealth".⁴⁰⁶

Moreover, Englishmen who still insist on forcing bureaucratic government on India lose sight of the very object of government. For what does the state exist? Professor Burgess maintains that the prime end of the state is to secure the highest possible amount of liberty to the individual, to develop the national genius of the people, and to promote civilization.⁴⁰⁷ Professor Bluntschli, holding about the same views, conceives the proper mission of the state to be "*the development of the national capacities, the perfecting of the national life, and, finally, its completion*".⁴⁰⁸ Professor Willoughby is even more comprehensive. He declares that the essential functions of the government consist not merely in the preservation of law and order, but in "creating and maintaining the widest possible degree of liberty", and in promoting "*the General Welfare*, either economically, intellectually, or morally".⁴⁰⁹ The underlying idea of these eminent political thinkers seems to be that mere protection of person and property is a minor end of administration, its chief function being the development of individual liberty and the promotion of the highest moral, intellectual, and spiritual progress. Can these things be attained in India under the present system? Is such a program, which calls for the development of the widest possible sphere of individual liberty, compatible

with bureaucratic government? If not, what is to be the future of India?

Ever since 1885 the Indian National Congress, one of the most important political fruits of the Indian Renaissance, has been voicing in no uncertain terms the hopes and aspirations of educated India. The Congress, which meets annually in some large city, is national in its composition, and patriotic and loyal in its scope. The main objects, as set forth in its constitution, are "the attainment by the people of India of a system of government similar to that enjoyed by the self-governing members of the British Empire, and a participation by them in the rights and responsibilities of the Empire on equal terms". The Congress, then, has for its goal the improvement of administration and a gradual political emancipation of the country. These it seeks to achieve through legitimate constitutional agitation. The Congress is not, however, recognized by the government. Indeed the government has prohibited all Indians in its service from participating in the deliberations of the Congress.⁴⁰

There are in Hindustan two political schools; the members of one of them are known as Moderates, and the members of the other as Nationalists, or as they are sometimes called by their opponents, the Extremists. The Moderates wish to see India free from close oligarchy, from "sun-dried" bureaucracy. They have no desire for permanent separation from England, but they demand autonomy.⁴¹ "Their demand for self-government consists in a considerable substitution of the Indian agency for the European in the administration, in the increase of the powers of the district, and the local Boards, in the transformation of the municipal bodies into wholly popular assemblies, in the larger introduction of the popular element in the Imperial and Provincial Legislative Councils; in short, in the 'living representation' of the people in the government of this country. This is far, far from being the complete autonomy which Canada, Australia, and South Africa enjoy".⁴² The Moderates, who have the largest following, believe in the ultimate sense of English justice; they hold that they will gain their points by means of constitutional agitation.⁴³

The Nationalists, in their demands, are not essentially different

from the Moderates. The Nationalists, like the Moderates, are opposed to a bureaucratic system of administration; they, too, want self-government. "But their methods differ. The Extremist would have nothing to do with the alien ruler. The Moderate believes in co-operating with the Government. The Extremist has no faith in gradual advancement towards the desired goal. The Moderate considers..... that India is not yet ripe for the wholesale introduction of representative institutions. The Extremist's methods are apt to be violent at times. The Moderate is always constitutional".⁴⁴ The Nationalists believe, and rightly, too, that the Indian people have ceased to be subjects; they have become citizens. Nay, they have grown to be men; and as men, they must realize their destiny through absolute self-government. The Nationalist's policy of securing self-government is not through "mendicancy", but through passive resistance. They favor boycotting everything English. Their plan is "to work on the three lines of a national education, independent of Government, but including the methods of European science; a national industry, with boycott of all foreign goods except the few things that India could not produce; and the encouragement of private arbitration, in place of the law-courts, for the settlement of disputes".⁴⁵

It is clear that throughout awakened India all patriotic and forward-looking men, no matter whether they are Moderates or Nationalists, are unanimous in their demand for self-government. They all agree with the English ex-premier, Sir Henry Campbell-Bannerman, that "good government could never be a substitute for government by the people themselves".⁴⁶

Are the Indians fit for self-government? Have they the capacity for political action? In the first chapter of this monograph an attempt was made to show that ages before the introduction of English methods, India had a fairly good government.⁴⁷ Leaving behind the distant past, and coming to the immediate present, we find that the Indians, although laboring under special difficulties, have repeatedly proved themselves capable of managing their own affairs. During the last fifty years "Indians have been so far considered fit that they have been given the highest judicial positions in the gift of the State,

and in the discharge of their duties they have earned the confidence of the Government and the people alike. More than once a Bengali has acted as the Chief Justice of the Calcutta High Court, than which no higher position exists in the judicial service; and a Mohammedan and a Madrasī have enjoyed similar distinctions in Bombay and Madras".⁴⁸ More than this, for several years two "native" Indians, Mr. Dadabhai Naoriji and Sir M. Bhownagree, sat in the "Mother of Parliaments" for Finsbury and Bethnal Green respectively, two of the most important English constituencies. "India has produced administrators of the genius of Sir Salur Jung and Madhar Rao; judges of the calibre of Telang and Mahmood; jurists of the learning of Ghosh and Ameer Ali; economists of the ability of Dutt and Ranade; scientists of the eminence of Gajjar and Bose; scholars of the erudition of Bhandarkar and Mookerji; publicists of the integrity of Phirozeshaw Mehta and Gopal Krishna Gokhale; reformers of the daring of Kursondas Mulji and Byranji Malabari; religious teachers of the fire of Keshab Chunder Sen and Ram Mohun Roy; orators of the attainments of Lal Mohun Ghose and Surendranath Banerji; and last, but not least, patriots of the worth of Dadabhai Naoriji and W. C. Bonnerji".⁴⁹ Can any one doubt that a nation which has produced such a type of men is fit to govern itself?

Self-government alone fits men for self-government. Alien rule by removing all responsibility can never fit men for positions of responsibility. No one can hope to learn how to swim by sitting on the bank. One must go straight into the water and learn how to swim by trying to swim. If the Indians are to wait patiently till they become adept in the art of government before undertaking administrative work, then they are forever doomed to disappointment. Experience alone brings perfection. Then, too, the Indians may never be able to overtake the English with their ideas of perfect government. The more we approach their standards, the more we shall find that they have also advanced their ideals with the object of defeating our honest and legitimate ambitions. India must be given full and fair opportunity to learn how to administer her own affairs in the near future. It was John Stuart Mill who said that "the government

of a people by itself has a meaning, and a reality; but such a thing as government of one people by another, does not and cannot exist. One people may keep another for its own use, a place to make money, a human cattle farm to be worked for the profit of its own inhabitants".⁴²⁰

NOTES AND REFERENCES

1. Sir Monier-Williams is convinced of the "absence of all history in India" because there is no "narrative of common occurrences".—*Modern India and the Indians*, p. 205.
2. "Though perhaps the eldest brother, the Hindu was the last to leave the central home of the Aryan family".—Max Muller's *Chips from a German Work Shop*, Vol. I, p. 63.
3. Taylor's *The Origin of the Aryans*, pp. 307, 312-323; Hunter's *The Indian Empire*, p. 117.
4. For an exhaustive linguistic discussion showing the "unity of descent" of Indo-European languages, see Whitney's *Language and the Study of Language*, pp. 195, 196, 199.
5. Duncker's *The History of Antiquity*, Vol. IV., pp. 11-13; Keene's *History of India*, Vol. I, p. 16; Hunter's *The Indian Empire*, p. 116.
6. Of the four *Vedas*, the *Rig-Veda* is the most authoritative and the most ancient. Regarding its antiquity, Hunter says that "The Hindus believe, without evidence, that it existed 'from before all time', or at least from 3101 years B. C., nearly 5000 years ago. European scholars have inferred from astronomical data that its composition was going on about 1400 B. C. But these data are themselves derived from writings of comparatively modern origin, and might have been calculated backwards. We know, however, that the Vedic religion had been at work in India long before the rise of Buddhism in the 6th century B. C."—*The Indian Empire*, pp. 118, 119.
7. The *Ramayan* and the *Mahabharat* are the two great Indian epics, the "Iliad and Odyssey of India". In speaking of the historic value of these works, Sir Edwin Arnold justly observed that "these most remarkable poems contain almost all the history of ancient India, so far as it can be recovered; together with such inexhaustible details of its political, social, and religious life, that the antique Hindoo world really stand epitomized in them".—*Indian Idylls*, pp. VII, VIII.
- As to the great age of these epics there is considerable difference of opinion. Dawson and Monier-Williams suppose that the earliest parts of the *Ramayan* must have been composed about 500 B. C.; and Monier-Williams claims that "the first orderly completion.....in the case of the *Mahabharata* (the original story of which is possibly more ancient than that of the *Ramayana*) (is) still later, perhaps as late as the second century B. C."—*Indian Wisdom*, p. 319.
8. See the beautiful hymn on ploughing in the *Rig-Veda*, IV, 57, 1-8.
9. The name Hindu is not of Indian origin. It was used by the ancient Persians in speaking of the river Sindhu. Subsequently the name Hindu was "applied to the inhabitants of that frontier district, and gradually extended over the upper and middle reaches of the Gangetic Valley, whence this whole tract of country between the Himalaya and the Vindhya mountains

west of the Bengal", came to be known as Hindustan, or the land of the Hindus.—*Encyclopaedia Britannica* (Eleventh Edition) Vol. XIII, p. 501. See also, Mill's *International Geography*, p. 469.

10. Dutt's *Ancient India*, p. 22.
11. Rawlinson's *The Origin of Nations*, p. 109.
12. Heeren's *Historical Researches*, Vol. II, p. 242.
13. "If, then, with all the documents before us, we ask the question, does caste, as we find it in Manu and at the present day, form part of the most ancient religious teaching of the Vedas?, we can answer with a decided 'No'. There is no authority whatever in the hymns of the Veda for the complicated system of castes; no authority for the offensive privileges claimed by the Brahmanas; no authority for the degraded positions of the Sudras".—Max Muller's *Chips from a German Work Shop*, Vol. II, p. 305.
14. Nivedita's *The Web of Indian Life*, p. 134.

15. "The condition of a Sudra, in the Hindu system, was infinitely preferable to that of the helot, the slave, or the serf of the Greek, the Roman, and the feudal systems. He was independent, his services were optional; they were not agricultural, but domestic and personal, and claimed adequate compensation. He had the power of accumulating wealth, or injunctions against his so doing would have been superfluous. He had the opportunity of rising to rank, for the Puranas record dynasties of Sudra kings; and even Manu notices their existence, IV, 61. He might.....study and teach religious knowledge, and he might perform religious acts".—Wilson, in Mill's *The History of British India*, Vol. I, p. 135.

16. The whole philosophy of caste has been summed up by the *Gita*, in the sentence *guna karma bibhagash* (distinguished according to character and occupation) and by the *Mahabharat* in *karmabhitaranam gatam* (divided into various castes according to occupation).

17. For an appreciation of the many virtues of the caste system, see Comte's *Positive Philosophy*, Vol II, pp. 238-239.

18. "A similar division into classes or professions", says Monier-Williams, "is found to have prevailed in almost all countries..... Herodotus divided the inhabitants of Egypt into seven, viz., priests, soldiers, cowherds, swineherds, tradesmen, interpreters, and pilots; but Diodorus and Plato made only five divisions, and Strabo only three. From Plato's *Timeus* (6) it appears that a similar division of professions existed among the Athenians..... Again, from a passage in Herodotus (I. 101), it is inferred that a similar distinction existed among the Medes. In Malcolm's *History of Persia* (I. 205) the Persian monarch Jamshid is said to have divided the Persians into four classes. Mr. Mill also points out an instructive passage in Plato's *Republic* (II, 11) in which, describing the simplest form of a political association, he makes it to consist of four or five classes of men..... Finally, we read in Miller's *Historical View of the English Government* (I, 11) that the Anglo-Saxons were originally divided into four great classes—artificers and tradesmen, husbandmen, soldiers, and clergy"—*Indian Wisdom*, pp. 231, 232.

19. In *Mirchakatika* we find that Chandanaka and Viraka who once belonged to the low caste of barbers and tanners rose to the military class. "Chandanaka (making a sign to Viraka saying that he was a barber) You were wont to carry a dead jackal in your hands, to replace dislocated joints, to flourish a pair of shears, and you are now a general—a pretty general.....

"Viraka (making a sign, reminds Chandanaka that the latter is a tanner by caste) No doubt (your caste is) vastly pure, when your mother was a tabor, your father a kettle-drum, and your brother a tambourine, but you—you are a general". Quoted in Ketkar's *The History of Caste in India*, p. 137.

20. *Laws of Manu*, V, 96.
21. *The Modern Review*, January, 1910, p. 63.
22. *Mahabharat*, Santi Parva, XC.
23. *Laws of Manu*, VII, 142.
24. *Laws of Manu*, VIII, 303.
25. *Laws of Manu*, VIII, 307.
26. *Laws of Manu*, VII, 145.
27. *Laws of Manu*, VII, 146.
28. *Laws of Manu*, VII, 147.
29. *Laws of Manu*, VII, 151.
30. *Laws of Manu*, VII, 216.
31. *Laws of Manu*, VII, 222.
32. *Laws of Manu*, VII, 223.
33. *Laws of Manu*, VII, 224.
34. *Laws of Manu*, VII, 225.
35. *Laws of Manu*, VII, 54.
36. *Ramayan*, I, 107, et. seq.
37. Quoted in Annie Besant's *Hindu Ideals*, pp. 126, 127.
38. *Laws of Manu*, VIII, 3.
39. *Laws of Manu*, VIII, 9.
40. *Sukra-niti*, IV, Sec. 5.
41. *Laws of Manu*, VIII, 11.
42. *Sukra-niti*, IV, Sec. 5, 43.
43. Introduction to the translation of the *Laws of Manu* in the *Sacred Books of the East*, Vol. 25, p. XCIX.
44. *Laws of Manu*, VIII, 12.
45. *Laws of Manu*, VIII, 14.
46. *Laws of Manu*, VIII, 18.
47. *Laws of Manu*, VIII, 62-67.
48. *Laws of Manu*, VIII, 119-126, 257, 263.
49. Manu describes the *dharma-mulam* (the roots of the sources of law) to be five. They are: (1) the whole *Veda*, (2) the traditional law, (3) the virtuous conduct of those who know the *Veda* further, (4) the practices and customs, and (5) self-satisfaction.
50. Read the accounts of Vena, Parsurama, and Devapi in *Visnu Puran*, 99, 401, 458, and the Mudra Rakshasa in Wilson's *Theatre of the Hindus*, Vol. II.
51. *Laws of Manu*, VII, 111.
52. *Gautama*, X, 24.
53. *Gautama*, X, 25.
54. *Gautama*, X, 26.
55. *Gautama*, X, 27.
56. *Gautama*, X, 31.
57. *Gautama*, X, 34.
58. *Laws of Manu*, VII, 128, 129.
59. *Laws of Manu*, VII, 139.
60. Dutt's *History of Civilization in Ancient India*, Vol. II, p. 59.
61. Quoted in Dutt's *History of Civilization in Ancient India*, Vol. I, pp. 226, 227.
62. Quoted in Dutt's *History of Civilization in Ancient India*, Vol. I, pp. 227, 228.
63. Dutt's *History of Civilization in Ancient India*, Vol. I, p. 223.
64. Quoted in Dutt's *History of Civilization in Ancient India*, Vol. II, p. 59.
65. Quoted in Abhedananda's *India and Her People*, pp. 130, 131, 132.
66. Bluntschli's *The Theory of the State*, Book I, p. 55.
67. Monier-William's *Brahmanism and Hinduism*, p. 455.

68. *Laws of Manu*, VII, 115-117.
69. Duncker's *History of Antiquity*, Vol. IV, p. 215.
70. "When we read in the Laws of Manu of officers appointed to rule over ten, twenty, a hundred, or a thousand of these villages, that means no more than they are responsible for the collection of taxes, and generally for the good behavior of these villages. And when, in later times, we hear of circles of eight-four villages, the so-called Chourasees, and of the three hundred and sixty villages, this too seems to refer to fiscal arrangements only".—Max Muller's *India: What Can It Teach Us?* Lecture II, p. 64.
71. The Panchayt was not uniformly composed of five members; they generally varied in number from five to twelve.—Abhedanand's *India and Her People*, p. 133.
72. Quoted in Heeren's *Historical Researches*, Vol. II, pp. 259, 260.
73. Quoted in Dutt's *Economic History of India*, pp. 386, 387.
74. Dutt's *Economic History of India*, p. 120.
75. Hunter's *A Brief History of the Indian Peoples*, p. 112.
76. Elphinstone's *The History of India*, p. 472.
77. Malleson's *Akbar*, p. 74.
78. Wheeler's *A Short History of India*, p. 183.
79. The Buddhist emperor Asoka, who ascended the throne of Magadha and of Northern India about 260 B. C., and had a far more extensive kingdom than British India of today, prided himself "especially on his accessibility to suitors at all hours and in all places, even the most inconvenient". He "heard cases even when he was being massaged by his attendants".—Smith's *Asoka*, p. 97.
80. Professor Jadunath Sarkar, who has done so much to stimulate original research in Indian history, contributed an illuminating article on the *Daily Life of the Moghal Emperors* to the *Modern Review* for September, 1908. He gives a typical daily program of one of the emperors:
- A. M. 4:00 Wake—Prayer—Reading
 6:45 Appears at Darsan window—an elephant combat—Review of cavalry.
 7:40 Public Durbar (Dewani-am)
 9:40 Private audience (Dewan-i-Khas)
 11:30 Secret consultation in the Shaburj
 12:00 In the harem—Meal—Siesta—Charity to women
- P. M. 4:00 Public audience—Evening prayer
 6:30 Evening assembly in the Dewan-i-Khas
 8:00 In the harem—music
 10:00 Hears book read
 10:30-4:00 A. M. Sleep
81. Bernier's *Travels*, quoted in Poole's *Aurangzeb*, p. 103.
82. Malleson's *Akbar*, pp. 75, 76.
83. *The Imperial Gazetteer of India*, Vol. IV, p. 4.
84. The following Mohammedan law on the appointment of the kazi is significant:
 "It is incumbent on the Sultan to select for the office of Cauzee, a person who is capable of discharging the duties of it, and passing decrees; and who is also in a superlative degree just and virtuous; for the prophet has said: 'Whoever appoints a person to the discharge of any office, whilst there is another among his subjects more qualified for the same than the person so appointed, does surely commit an injury with respect to the rights of God, the prophet, and the Mussulmans'.—*Hedaya*, II, 615, quoted in Mill's *The History of British India*, Vol. II, p. 362.
85. Hunter's *The Indian Empire*, p. 351.
86. Malleson's *Akbar*, p. 76.
87. A full account of Akbar's administration is to be found in Abul

Fazl's *Ain-i-Akbari* (Translated from Persian) Vol. I by Blochman, Vols. II and III by Jarrett.

88. The Hindus can never forget that the principle of religious freedom which had always obtained in India under the Hindu kings, and which had been respected even during the Moghal rule by men like Akbar, was violated by the Christian invaders. When the East India Company got control of the Hindu Temple of Jagathnath in 1803, the company levied a heavy toll on all the pilgrims visiting the Temple. To be sure, the company did not call it *zizyia*. The following table of the Company's revenue from this source has more than a historic interest:

Year	Rupees
1806	17,490
1813	69,902
1815	86,027
1817-18	35,941
1818-19	36,241
1819-20	92,874
1820-21	21,946
1821-22	35,160

—*The Modern Review*, Vol. 4, No. 4, p. 309.

89. Akbar the Great was one of the most tolerant and impartial of emperors. He invited the Christians, the Mohammedans, the Hindus, the Budhists, and the followers of other religions to come to his court and discuss their religions. His constant inquiry, "Who is certain that he is right?" gives us a clue to the guiding principle of his religious philosophy.—Malleson's *Akbar*, pp. 174, 175.

90. Perry's *Future of India in the Nineteenth Century*, December, 1878, Vol. IV, pp. 1086-1088.

91. Hunter's *A Brief History of the Indian Peoples*, p. 113.

92. Congrave's *India*, pp. 17, 18.

93. By the year 1763 the English had no serious European rivals to challenge their supremacy in India. At present the Portuguese control Goa, Daman, and Diu. The total area of Portuguese India is 1,638 square miles, and its population is 531,800. The French possession is even more insignificant. It consists of Pondichary, Chandranager, and a few other little towns, the total area of which is about 196 square miles, and the population 273,000.

94. Chesney's *Indian Polity*, p. 30.

95. *The Cambridge Modern History*, Vol. VI, p. 564.

96. Ilbert's *The Government of India*, p. 37.

97. Dutt's *England and India*, p. 8.

98. "All the officers, civil and military alike, were tainted with the common corruption. Their legal salaries were paltry, and quite insufficient for a livelihood. But they had been permitted to augment them, sometimes a hundred-fold, by means of private trade and gifts from the Native Powers".—Hunter's *The Indian Empire*, pp. 455, 456.

99. Ilbert's *The Government of India*, p. 38.

100. Lecky's *A History of England in the Eighteenth Century*, Vol. IV, p. 275.

101. *The Cambridge Modern History*, Vol. VI, p. 566.

102. Chesney's *Indian Polity*, p. 36.

103. 13 George III, Cap. 63.

104. *Political Science Quarterly*, Vol. XXVI, p. 292.

105. The Directors, who numbered twenty-four, were elected every year by the Court of Proprietors. Every holder of £2,000 stock in the company was qualified to be a director, and every holder of £500 stock could cast a vote in the meeting of the Court of Proprietors. The Court of Proprietors

was, of course, a higher body, having power to set aside decisions of the directors.—*The Imperial Gazetteer of India*, Vol. IV, p. 6. See also Robinson's *The Trade of the East India Company*, p. 46.

106. See Strachy's *India: Its Administration and Progress*, p. 45.

107. 24 George III, Cap. 25.

108. It was called often the board of "Commissioners for the Affairs of India".

109. Campbell's *India As It May Be*, pp. 15, 16.

110. Ward's *The Reign of Queen Victoria*, Vol. I, p. 465.

111. "The Court of Directors have no knowledge whatever of the origin, progress, or the present state of war in Burma. I have twice asked for the papers, and I have been given to understand that it was not thought desirable to communicate them to the Court".—Sir T. H. Maddock's Evidence, *Commons' Report*, 1852.

112. Campbell's *India As It May Be*, p. 15.

113. 3 & 4 William IV, Cap. 85.

114. Hon. J. C. Herries's speech before the House of Commons on April 19, 1852.—Hansard's *Parliamentary Debates*, 1852, Vol. 120, p. 808.

115. Ilbert's *The Government of India*, p. 82.

116. He was invested, in the language of the act, "with full power and authority to superintend and control the governors and governors in council of Fort Williams in Bengal, Fort St. George, Bombay, and Agra, in all points relating to the civil and military administration of the said presidencies respectively".

117. Lord Hardinge's Evidence, *Commons' Report*, 1852.

118. 16 and 17 Vict. C. 95.

119. 21 and 22 Victoria, Ch. 6.

120. See Section 42 of the *Act for the Better Government of India*.

121. John Stuart Mill's Evidence, *Lords' Report*, 1852.

122. The common belief that the Moghal rulers and the Mussulman society in general held themselves totally aloof from the Hindus is false. Not only most of the Indian Mohammedans of the middle and lower classes, but at least six of the twelve Moghal emperors were born of Hindu mothers. The names of these emperors are Jahangir, Sha Jahan, Bahadur Shah I, Ahmed Shah II, Alamgir II, and Bahadur Shah II.—Mitra's *Moslems and Indian Unrest in The Moslem World* for January, 1912.

123. Sir Strafford Northcote said from his seat in Parliament:

"Nothing could be more wonderful than our empire in India, but we ought to consider in what condition we held it, and how our predecessors held it. The greatness of the Moghal empire depended upon the liberal policy pursued by men like Akbar availing themselves of Hindu talent, assistance, and identifying themselves as far as possible with the people of the country. He thought they ought to take a lesson from such a circumstance, and if they were to do their duty towards India, they could only discharge that duty by obtaining the assistance and counsel of all who were great and good in that country".—Reported in the *Times* (London) May 25, 1867.

124. Even Macaulay, than whom India never had a more unsympathetic and unjust critic, wrote as follows:

"The Roman proconsul, who, in a year or two, squeezed out of a province the means of rearing marble palaces and baths on the shores of Campania, of drinking from amber, of feasting on singing birds, of exhibiting armies of gladiators and flocks of camelopardal, the Spanish viceroy, who, leaving behind him the curses of Mexico or Lima, entered Madrid, with a long train of gilded coaches, and of sumpter-horses trapped and shod with silver, were now outdone. Cruelty, indeed, properly so-called, was not among the vices of the servants of the Company. But cruelty itself could hardly

have produced greater evils than sprang from their unprincipled eagerness to be rich".—*Lord Clive*, Vol. VI, pp. 430, 431. See his *Warren Hastings*, in the same volume, p. 560. Consult also, Brooks Adams' *The Law of Civilization and Decay*, p. 309.

125. It is impossible to estimate the size of the individual fortunes made by the employees of the Company. Lecky says:

"Nowhere in Europe, nowhere else, perhaps, in the world, were large fortunes so easily amassed. Clive himself had gone out a penniless clerk; when he returned to England, at thirty-four, he had acquired a fortune of more than £40,000 a year, besides giving £50,000 to his relatives; and he afterwards declared that when he remembered what he might have obtained he was astonished at his moderation. It was a common thing for young men who had gone out without a penny, to return in ten or twelve years, with fortunes that enabled them to rival or eclipse the oldest families in their countries".—Lecky's *A History of England in the Eighteenth Century*, Vol. IV, p. 263.

126. The following table will show the gross receipts and the net balance in English pounds which the company sent to England annually after paying all expenses during the first few years of its control of Bengal:

Year	Gross Collection	Net. Ann. Bal.
1765-1766.....	2,258,277	471,067
1766-1767.....	3,805,817	1,253,501
1767-1768.....	3,608,009	871,622
1768-1769.....	3,787,207	829,062
1769-1770.....	3,341,976	336,812
1770-1771.....	3,332,343	275,088
Grand Total	20,133,579	4,037,152

These figures are quoted in Dutt's *Economic History of British India*, p. 46.

The extent of bleeding to which India was subjected might be judged even more accurately by referring to the Bengal export and import sheets of the company from 1766 to 1768. According to the statistics compiled by Governor Harry Verlst, the imports amounted to £624,375 and exports to £6,311,250. That is to say, India gave to England economically ten times more than India actually received in return.—*A View of the Rise, Progress, and Present State of the English Government in Bengal* referred to by Dutt in his *Economic History of British India*, pp. 46, 47.

127. "It seems to have been forgotten that, for centuries prior to the introduction of European agency, law, and justice had been administered solely by natives. Yet society had been held together; and there had been times when, according to the testimony of travellers and historians, India had been populous and flourishing, the people thriving and happy".—Mill's *The History of British India*, Vol. VII, p. 280.

128. After 1813 the company undertook to support the Christian propaganda in India at the expense of the Indian tax-payers.—Hunter's *The Indian Empire*, p. 315.

129. Cotton and Payne's *Colonies and Dependencies*, p. 37.

130. *India Under Lord Morley* in the *Quarterly Review*, Vol. 214, p. 212.

131. Strachey's *India: Its Administration and Progress*, p. 68.

132. Quoted in Weale's *The Conflict of Colour*, p. 199.

133. In the proclamation of Queen Victoria to the people of India in 1858 they are told: "We, reposing special trust and confidence in the loyalty, ability, and judgment of our right trusty and well-beloved cousin constitute and appoint him our first Viceroy and Governor-General in and over our said territories, and to administer the government thereof in our name, and on our behalf, subject to such orders and regulations as

he shall, from time to time, receive through one of our principal Secretaries of State'.

134. Courtney's *The Working Constitution of the United Kingdom*, p. 344.

135. Ilbert's *Government of India*, p. 45.

136. *India Under Lord Morley* in the *Quarterly Review*, Vol. 214, p. 214.

137. Hunter's *The Earl of Mayo*, p. 86.

138. *Presidential Address*, Indian National Congress, 1911.

139. *Rules of Business* for November 15, 1909, quoted in Ilbert's *Government of India*, p. 441.

140. Here are some prescribed rules for the guidance of those members who aspire to ask questions in the council hall:

No questions shall be permitted in regard to any of the following subjects, namely:

(a) any matter affecting the relations of his Majesty's Government or of the Governor-General in council with any Foreign State or with any Native State in India, or

(b) any matter under adjudication by a Court of Law having jurisdiction in any part of his Majesty's Dominions'.

"No question shall be asked unless it complies with the following conditions, namely:

(a) it shall not be of excessive length,

(b) it shall be so framed as to be merely a request for information,

(c) it shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity, and

(d) it shall not ask for any expression of opinion or the solution of any hypothetical proposition'.

141. Quoted in the *Law Quarterly Review*, July, 1895, Vol. XI, p. 281.

142. Professor George A. Dorsey of the University of Chicago, who spent several years in India in a tour of investigation, made the following observations of the viceroy's council:

"I was talking with a member of the finance department. We spoke of the budget debates. What farce it all is. Cut and dried, this budget is cabled from London. 'Official members' talk and explain, 'non-official members' orate, question, resolve. Jugglery, jugglery, and cant! Now and then a sarcasm or a tinge of bitterness when a finance member feels ashamed of trying to explain surplus into a deficit when schools are asked for, or a deficit into a surplus when government wants to raise its own salary or build more palaces for officials'.—*The Chicago Daily Tribune*, May 22, 1911.

143. O'Donnell's *The Causes of Present Discontent in India*, p. 34.

144. *The Statesman's Year Book*, 1915, pp. 122, 123.

145. Mazumdar's *Indian National Evolution*, p. 208.

146. Among others, the viceroy's council has passed the following important special laws: Deccan Agriculturists' Relief Act, 1879 (Bombay); the Bengal Tenancy Act, 1885; the Madras Civil Courts Act, 1885; the Allahabad University Act, 1887; the Lower Burma Courts Act, 1900; the Punjab Alienation of Land Act, 1900.—Chailey's *Administrative Problems of British India*, p. 388.

147. Let us take, for a concrete illustration, the United Provinces council, which does not materially differ from other councils. The United Provinces council until very recently consisted of forty-six members, twenty official and twenty-six non-official. Of these twenty-six non-officials, twenty were elected and six were nominated, thus giving the government a majority of six. If there were still any doubts as to whether these men were dependable, let us consider for a moment the personnel of the six members.

One of them was an English planter, three others were the ruling chiefs who hold their estates by the sufferance of the English, and the last two were business men who did not know English and who could not therefore be even suspected of independent action in a council where all deliberations are carried out in that tongue. Now as these men value government patronage, they would not dare for a moment to go against the government. The simple truth of the matter is that the non-official majority is a fiction.—*Presidential Address* at the Indian National Congress, 1911.

148. *Presidential Address*, Indian National Congress, 1911.

149. Lord Morley in introducing his Indian reform proposals in the House of Lords, December 17, 1908, said:

"If I were attempting to set up a Parliamentary system in India, or if it could be said that this chapter of reforms led directly or necessarily up to the establishment of a Parliamentary system in India, I, for one, would have nothing at all to do with it..... It is no ambition of mine, at all events, to have any share in beginning that operation in India. If my existence, either officially or corporeally, were prolonged twenty times longer than either of them is likely to be, a Parliamentary system in India is not at all the goal to which I would for one moment aspire".—Morley's *Indian Speeches*, (1907-1909) pp. 91, 92.

150. "Whether it be in the Supreme Council or the Provincial, the new Scheme has not an iota changed the centre of final and supreme control.... Whether it was in the Bombay Council or the Bengal, or the United Provinces, or the Punjab the measures as proposed by the Government have been passed intact and all amendments except such as were formal have been rejected. The phenomenon is astonishing and wonderful. It is possible that on all the occasions Government took the right view, but if so it is a strange coincidence".—The *Presidential Address* of Rai Bahadur Lal Chand at the Third Punjab Hindu Conference, September 29, 1911.

151. *Presidential Address*, Indian National Congress, December, 1911.

152. MacDonald's *The Awakening of India*, p. 284.

153. Chirol's *Indian Unrest*, p. 309.

154. "The extent to which the Indian minister may consult his colleagues is, of course, one of those cabinet and personal secrets which cannot be made known to the vulgar; but we have the authority of one ex-President (of the Board of Control) for saying that he never consulted even Sir Robert Peel when that great man was at the head of the Government. The same high authority informs us that he would not consult the Chairman or any Director rather than any other individuals in the kingdom, on account of their filling those offices. If he wanted advice, he would go to the person he thought most competent in or out of office".—Campbell's *India As It May Be*, pp. 16, 17.

155. *British Democracy and Indian Government in the Nineteenth Century*, February, 1911, Vol. 69, pp. 202, 203.

156. Digby's *Prosperous British India*, p. 444.

157. Mazumdar's *Indian National Evolution*, p. 252.

158. *Presidential Address* of Sir William Wedderburn at the Fifth Indian National Congress, Bombay, 1889.—*The Indian National Congress*, pp. 60, 61.

159. See the *Presidential Address* of Mr. Alfred Webb, M. P., at the Tenth Indian National Congress, Madras, 1894.—*The Indian National Congress*, p. 195.

160. "Since the time of Burke, India had been the dinnerbell of the House of Commons, that there had been periods in the course of that evening's debates, when it would have been difficult to find a House present of requisite numerical strength".—Sir Robert H. Inglis in the House of

Commons, April 19, 1852; Hansard's *Parliamentary Debates*, Third series, Vol. 120, p. 857.

161. *England's Mission in the Nineteenth Century*, September, 1878, Vol. IV, p. 578.

162. *Fortnightly Review*, September 1, 1855, Vol. VI, pp. 258, 259.

163. See Lowell's *The Government of England*, Vol. I, pp. 457, 458.

164. Editorial in the *Amrita Bazar Patrika*, May 1912. See also the *Presidential Address* of Mr. W. C. Bonnerjee at the Eighth Indian National Congress, Allahabad, 1892.

165. The number of Indian judges occupying high court benches is pitifully small, considering the great wealth of material available. In Madras out of a total of ten judges only four are Indians; and in Calcutta out of nineteen only six are Indians. The proportion is even smaller in Bombay. There are only two Indians out of a court of eight judges.—Editorial in *India*, May 24, 1912.

166. See *Encyclopedia Britannica* (Eleventh Edition) Vol. XIV, p. 434, *et seq.*

167. The Hindu law is invoked in cases concerning rents, goods, inheritance, succession to lands, and all matters of contract in which a Hindu is a defendant. The chief sources of Hindu law are the *Laws of Manu*, the *Smriti of Yajnavalkya*, and the *Smriti of Narad*. But for practical purposes such commentaries as the *Mitachhara*, the *Dayabhaga*, the *Vyavahara Mayukha*, *Smriti Chandrika*, and *Vivada Chintamoni* are the most notable.—*Encyclopedia Britannica* (Eleventh Edition) Vol. XIV, pp. 434-436.

168. The Mohammedan law is applied in a case where the defendant is a Mohammedan, and when the suit is about inheritance, succession to lands, goods or a matter of contract. The Mohammedan law is revealed in the *Koran*. But it is also to be found in the *Sunnah* or *Hadis* (precepts, actions, and sayings of the Prophet) *Ijmaa* (decisions of the companions of Mohammed, of the disciples of the companions, and of the pupils of the disciples) and *Kiyas* ("analytical deductions derived from a comparison of the *Koran*, the *Sunnah*, and *Ijmaa*, when these do not apply either collectively or individually to any particular case").—Morley's *An Analytical Digest of All the Reported Cases Decided in the Supreme Courts of Judicature in India*, Vol. I, pp. CCXXVII-CCXXIX.

169. Mill's *Principles of Political Economy*, Book V, Ch. V, Sec. 3.

170. As early as the second quarter of the nineteenth century, Lord Macaulay, as a legal member of the viceroy's executive council, recorded in an official minute his opinion about the "ruinously expensive courts in India". He said that "the expenses of litigation in England are so heavy that people sit down quietly under wrongs and submit to losses rather than go to law, and yet the English are the richest people in the world. The people of India are poor, and the expenses of litigation in the Supreme Court are five times as great as the expenses of litigation at Westminster. An undefended cause which might be prosecuted successfully in the Court of King's Bench for about £8 cannot be prosecuted in the Supreme Court under £40". Quoted in Strachey's *India: Its Administration and Progress*, pp. 108, 109.

171. Chailley's *Administrative Problems of British India*, p. 442.

172. "The European British subject", in the words of the *Code of Criminal Procedure*, "means, (1) any subject of her Majesty, born, naturalized, or domiciled in the United Kingdom of Great Britain and Ireland, or in any of the European, American, Australian Colonies, or possessions of her Majesty, or in the Colony of New Zealand, or in the Colony of the Cape of Good Hope or Natal; (2) any child or grandchild of any such persons by legitimate descent". Thus, according to this definition, American negroes, African Zulus, and Australian maoris are included in the list

of the European British subjects, and are entitled to superior privileges which are denied to the Indians.

173. Chailley's *Administrative Problems of British India*, p. 459.

174. Act III of 1884.

175. No Indian will ever forget that the great leader of the nationalist movement, Mr. B. G. Tilak, was convicted of a political offence by a European jury in July, 1908. He was tried by "a jury composed of 7 Europeans and 2 Parsis, whereof 7 were for conviction and 2 against".—*The Amrita Bazar Patrika*, August 1, 1911.

Mr. Theodore Morison, a member of the council of the Secretary of State for India, describes the European jury in these cautious words in his *Imperial Rule in India*:

"Dozens of natives of India have in times past been brutally kicked to death by Englishmen in India, and the fact remains that few Europeans have been hanged in India for the murder of a native."

"It is an ugly fact which is no use to disguise that the murder of natives by Englishmen is no infrequent occurrence. I cannot pretend to an opinion whether in these cases there has been actual miscarriage of justice, but I do unhesitatingly assert that few Englishmen in India believe that an English jury, as juries are at present constituted, even on the clearest evidence, will convict one of their own countrymen of the murder of a native. Such juries are composed of shopkeepers or railway employees, the very class in which the arrogance of a conquering race is most offensively strong".—Quoted by Professor George A. Dorsey, in *The Chicago Daily Tribune*, May 25, 1911.

176. Nevinson's *New Spirit in India*, p. 119.

177. Reported in the *London Times*, April 10, 1883, and quoted by H. J. S. Cotton in *New India*, p. 73.

178. Montesquieu's *Spirit of Laws*, Vol. I, p. 163.

179. The district magistrate is variously known as district officer, collector magistrate, magistrate, or deputy commissioner.

180. Some idea of the police administration of the district magistrate may be formed from the following figures quoted by the Under Secretary of State for India, Mr. E. S. Montagu, in the House of Commons in 1910:

"The police force in British India number 176,000 men, who have to deal with a population of nearly 232,000,000 scattered over 1,000,000 sq. mi. In a typical district in Bengal there is one European superintendent with the assistance of an Indian deputy-superintendent, who has to control 8 inspectors, 79 sub-inspectors, 83 head-constables, and 778 constables. The area of the district is 5,186 sq. mi., the population is nearly 3,000,000. There are 26 police stations and 21 outposts".—Quoted in Hazell's *Annual*, 1912, p. 144.

181. *Report of the Royal Commission upon Decentralization in India*, (1909) Vol. I, pp. 17, 18; *Imperial Gazetteer of India*, Vol. IV, pp. 50, 51.

182. Interview with Mr. Manomohan Ghose in *India*, December, 1895, reprinted in *Congress Green Book*, No. III, Appendix A, p. 2.

183. Mr. Tarapada Banerjee, a lawyer in Nadia, in relating his professional experience with the magistrates, said: "In one case in which I was engaged I asked the Deputy Magistrate to discharge my clients, for the prosecution had completely broken down. The Deputy Magistrate said, 'My friend, you ask me to discharge your client, but I have the orders to see that the culprits are punished. How can I let them go? I am not to be guided by the evidence alone. I must see that I do not lose my bread'".—*Report of the Twelfth Indian National Congress*, 1896, p. 86; Cotton's *The Indian Civil Service in the Contemporary Review*, October, 1913, p. 482.

184. The unwritten doctrine "no conviction, no promotion", has a

wonderful fascination for the Indian government. The lieutenant-governor of Bengal, Sir Charles Elliot, used to hold that every subordinate magistrate must convict at least one man a day to earn his salary. Elliot laid it down as a principle that no district magistrate who failed to show at least seventy per cent. of convictions should be promoted. He actually stopped the promotion of a deputy magistrate named Atul Chandra Chatterji on the ground that he did not convict a certain person accused by the police. It was such a flagrant violation of the judicial independence of the magistrate that the Chief Justice of the Calcutta High Court, Sir Comer Petheram, entered a serious protest against the high-handed procedure.—Editorial in *Amrita Bazar Patrika*, February 6, 1912.

185. Herbert J. Reynolds, district magistrate of Bengal, and member of the Bengal legislative council, in *India*, November, 1896, reprinted in *Congress Green Book*, No. III, Appendix A, p. 24.

186. Mr. Monamohan Ghose in *India*, December, 1895, reprinted in *Congress Green Book*, No. III, Appendix A, p. 3.

187. *Congress Green Book*, No. III, Appendix A, p. 4.

188. It can be found in Ray's *The Separation of Judicial and Executive Functions in British India*, Book II, Ch. 16, and also in *Congress Green Book*, No. III.

189. *Memorial to Lord Hamilton*, paragraph 12.

190. The full summary of these cases is in Ray's *The Separation of Judicial and Executive Functions in British India*, Appendix A, and also in *Congress Green Book*, No. III, Appendix B.

191. *Memorial to Lord Hamilton*, paragraph 17.

192. This "scheme" first appeared in *India*, August, 1893. It is now to be found in the *Congress Green Book*, No. III, Appendix A, pp. 8-11, and also in Ray's *The Separation of Judicial and Executive Functions*, pp. 149-158.

193. See *Memorial to Lord Hamilton*, paragraph 18.

194. Professor Radha Kumud Mookerji, in his scholarly treatise on *Indian Shipping*, writes:

"For full thirty centuries India stood out as the very heart of the Old World, maintained her position as one of the foremost maritime countries. She had colonies in Pegu, in Cambodia, Java, in Sumatra, in Borneo, and even in the countries of the Farther East as far as Japan. She had trading settlements in southern China, in the Malayan Peninsula, in Arabia, and in all the chief cities of Persia, and all over the east coast of Africa. She cultivated trade relations not only with the countries of Asia, but also with the whole of the then known world, including the countries under the dominion of the Roman Empire, and both the East and West became the theatre of Indian commercial activity, and gave scope to her naval energy and throbbing international life". Mookerji's *Indian Shipping*, p. 4.

195. See Heeren's *Historical Researches*, Vol. II, pp. 285-302.

196. "It is stated that in 1708 New York manufactured three-fourths of the woolen and linen goods used in the colony, and also fur hats in great numbers, many of which were shipped to Europe and the West Indies. This trade was largely suppressed by English laws passed at various times. In 1732 an act forbade the exporting of hats to England, to foreign countries, or from one colony to another. It also limited the number of persons a maker of hats might employ. Iron was found in all the colonies, and forges and furnaces were established in places. But in 1750 Parliament enacted a law declaring that 'no mill or other engine for rolling or slitting iron', 'nor any furnace for making steel shall be enacted in the colonies'! After this only pig and bar iron could be made. Parliament also enacted laws at various times restricting the manufacture of woolen goods"—Elson's *History of United States of America*, Vol. I, p. 303.

197. List's *National System of Political Economy*, p. 117.
 198. "The proceedings of the British government in depriving them (the American Colonies) of freedom of commerce were the chief cause of those disputes which broke out in 1776 in an open rebellion of ominous and threatening import"—McCulloch's *Commercial Dictionary*, p. 319.

199. An examination of the minutes of the Select Committees of the House of Lords and the House of Commons (1813) ought to be a revelation to those who still believe that the East India Company had anything but commercial exploitation in view. Of the various witnesses examined before the Committee of the Whole House of Commons on East India Company's Affairs, Warren Hastings was one. Here is his deposition:

"From your knowledge of the Indian character and habits, are you able to speak of the probability of a demand for European commodities, by the population of India.....? The supplies of trade are for the wants and luxuries of a people; the poor in India may be said to have no wants; their wants are confined to their dwellings, to their food, and to a scanty portion of clothing, all which they can have from the soil that they tread upon"—Hansard's *Parliamentary Debates*, First Series, Vol. 25, p. 418.

"Were the natives of India in the habit of spending any part of their superfluous wealth in the purchase of European commodities, or did they consider it as part of their luxury, to provide themselves with such articles as Europe furnishes?—Some, most undoubtedly; laces, broadcloth to a certain amount; European furniture was at one time in some request; but not in very great, at the courts of the native princes; few of those articles now would meet a sale there"—Hansard's *Parliamentary Debates*, Vol. 25, p. 419.

"Was the Christian dress worn by the converts, to whom you alluded in your former answer, of European manufacture?—I never saw them; but they were of the meanest of the people, and I should doubt whether they had any garments at all, more than the most necessary....."—Hansard's *Parliamentary Debates*, Vol. 25, p. 428.

Lord Teignmouth was another witness. Here is his evidence:

"Does your lordship conclude, that any material increased consumption of European articles upon the part of the natives, is wholly unlikely?—I think very improbable"—Hansard's *Parliamentary Debates*, Vol. 25, p. 433.

Mr. Graeme Mercer was asked, "Are the natives of India generally a manufacturing people, skillful in manufacturing operations, and likely to provide for themselves whatever manufactures they stand in need of?—They are very much so, and have hardly any, if any, wants from foreign countries"—Hansard's *Parliamentary Debates*, Vol. 25, p. 622.

200. Dutt's *Economic History of British India*, pp. 256, 265.

201. *Cambridge Modern History*, Vol. VI, p. 560.

202. Lecky's *A History of England in the Eighteenth Century*, Vol. IV, pp. 263, 264. See also Macaulay's *Lord Clive*, Vol. VI, p. 431, and Robinson's *Trade of the East India Company*, pp. 72, 73.

203. The quotations from Bolts are taken from a valuable article on the *Monopolies of the East India Company*, in the *Modern Review*, August, 1908, Vol. IV, No. 2, pp. 95-100.

204. Bolt's *Considerations on Indian Affairs*, p. 74. London, 1772.

205. Bolt's *Considerations on Indian Affairs*, p. 193.

206. Carey's *Principles of Social Science*, Vol. I, p. 347.

207. Report of Select Committee, East India Company, 1831, quoted in Digby's *Prosperous British India*, p. 89.

208. Digby's *Prosperous British India*, p. 90.

209. Mill's *History of British India*, Vol. VII, p. 385.

210. List's *National System of Political Economy*, p. 116.

211. Dutt's *The Economic History of India in the Victorian Age*, p. 517.

212. Among the modern manufacturing industries, jute and cotton are the most important. The jute industry flourishes mostly in Bengal, and cotton in Bombay. According to the available statistics for 1910 there were 45 jute and 216 cotton mills in India.

213. Fuch's *The Trade Policy of Great Britain*, p. 273.

214. Quoted in *India Government Resolution*, No. 2636, dated August 12, 1875, forming an enclosure to Despatch No. 15 of 1875.—Dutt's *The Economic History of India in the Victorian Age*, p. 404.

215. *Hansard's Parliamentary Debates*, Third Series, Vol. 235, p. 1128.

216. Keen's *History of India*, Vol. II, p. 358.

217. Letter to the Governor General in Council, August 30, 1877, quoted in Dutt's *The Economic History of India in the Victorian Age*, p. 411.

218. Sir Roper Lethbridge wrote in the *London Times* for December 27, 1904:

"I was the Press Commissioner for India..... in the years of 1877 and 1878, when we first introduced free imports into India on the 'requirement' (that was our official word) of the House of Commons in defiance of the vehement opposition of the whole native community, and the distrust of the vast majority of the Civil Service. We call it 'free trade', and declared it was for the benefit of the poor Indian consumer. But even the Press Commissioner was obliged, for conscience's sake, to wink the other eye when this was alleged—for the journals of the House of Commons of July 11, 1877, showed that the resolution which 'required' the Government of India to be so benevolent to its own subjects was carried by the persistence of the Lancashire members".—Quoted in Jebb's *Studies in Colonial Nationalism*, p. 313.

219. Lac is one hundred thousand. Rupee is a silver coin which fluctuates in value with the price of silver. It was rated by the United States Treasury in 1889 at about thirty-two cents.

220. Sarkar's *Economics of British India*, p. 127.

221. Jebb's *Studies in Colonial Nationalism*, p. 316.

222. Pollard's *The British Empire*, p. 663.

223. An English correspondent in the *Spectator*, February 24, 1912, p. 307.

224. Sarkar's *Economics of British India*, p. 129.

225. India charges a small export duty on paddy and rice. She also charges a nominal import duty on these seven articles: spirits, wine, malt liquors, weapons, ammunition, opium, and salt. The last two articles are the close monopoly of the government.—Fuch's *The Trade Policy of Great Britain and Her Colonies Since 1860*, p. 274.

226. Dilke's *Problems of Greater Britain*, p. 547.

227. The President of the Sheffield Chamber of Commerce, in a letter dated August 1, 1859, wrote to the Colonial Secretary as follows:

"All they (the merchants and manufacturers of Sheffield) ask is that the policy of protection to native manufacturers in Canada should be distinctly discountenanced by Her Majesty's Government as a system condemned by reason and experience, directly contrary to the policy solemnly adopted by the Mother Country, and calculated to breed disunion and distrust between Great Britain and Her Colonies..... Under the artificial stimulus of this system, extensive and numerous hardware manufactories have sprung up, both in Canada East and West, and the adoption of increasing duties has been the signal for more to be commenced".—Quoted in Chomley's *Protection in Canada and Australasia*, p. 14.

228. *North American Review*, April, 1911, Vol. 193, p. 518.

229. See the editorial in the *Nation*, February 16, 1911, Vol. 92, p. 159.

230. Quoted in Chomley's *Protection in Canada and Australasia*, pp. 16, 17.
231. Mill's *Principles of Political Economy*, Book V, Ch. X, p. 922.
232. Reinsch's *Intellectual and Political Currents in the Far East*, p. 66.
233. Naoroji's *Poverty and Un-British Rule in India*, p. 62.
234. William Digby truly says that "England's industrial supremacy owes its origin to the vast hoards of Bengal and the Karnatik being made available for her use. Had this happened honourably and in the ordinary course of trade it would have been a matter for satisfaction. Before Plassey was fought and won, and before the stream of treasure began to flow to England, the industries of our country were at a very low ebb. Lancashire spinning and weaving were on a par with the corresponding industry in India so far as machinery was concerned, but the skill which made Indian cottons a marvel of manufacture was wholly wanting in any of the Western nations. As with cotton so with iron; industry in Britain was at a very low ebb, alike in mining and manufacture".—*Prosperous British India*, pp. 30, 31. See also Brooks Adams' *The Law of Civilization and Decay*, pp. 313, 314.
235. Gokhale's "Address at Lucknow", 1907, *The Swadeshi Movement*, p. 18.
236. Interested English writers on India often forget this big historical fact. Professor Leonard Alston in his crusading zeal for free trade in India has asserted that the "pre-eminence of England in manufacturing was mainly due", among other causes, "to a specially damp climate in Lancashire", and hardly at all to the tariff.—*Elements on Indian Taxation*, p. 66. Human ingenuity, or what passes for that name, has seldom been more badly strained to befog the real issue.
237. Quoted in Jebb's *Studies in Colonial Nationalism*, p. 314.
238. Fuchs' *The Trade Policy of Great Britain and Her Colonies Since 1860*, p. 178.
239. Mill's *Political Economy*, Book V, Ch. X, p. 922.
240. *American State Papers, Finance*, Vol. I, p. 128.
241. In a letter to the *London Times*, Mr. J. A. Wadia wrote: "Out of your total production you take only 20 per cent.; 30 per cent. is taken by India, 50 per cent. by the rest of the world".—Quoted in *Japan Advertiser*, Yokohama, August 26, 1911.
242. James Bryce's *American Commonwealth*, Vol. I, p. 178.
243. Quoted in Pramatha Nath Banerjea's *Study of Indian Economics*, p. 214.
244. In his address at St. Andrews Hall, Glasgow, October 6, 1903, Mr. Chamberlain gives a sketch of his pet scheme. This plan may be very briefly summarized as follows: (a) no tax on raw materials; (b) a small tax on food other than colonial; (c) a ten per cent general tariff on imported manufactured goods. The entire speech is printed in the *Living Age*, December 12, 1903, Vol. 239, pp. 641-655.
245. See Smith's *India and the Tariff Problem*, pp. 92-102.
246. In 1911 the number of tea plantations was 4,414, employing 526,460 persons. *The Indian Review*, September, 1912, Vol. 13, p. 779.
247. Dutt's *England and India*, p. 131.
248. The indentured labor on the tea plantation is a mild appellation for "state organized slavery". The laborers on the plantation work at fixed wages for a definite number of years under a registered indenture, a slight infraction of which is punishable by penal laws.—O'Donnell's *Failure of Lord Curzon*, pp. 90-92; Dutt's *Economic History of British India*, pp. 267, 268; *India in the Victorian Age*, p. 352.
249. Smith's *India and the Tariff Problem*, p. 103.
250. Quoted in Lubbock's *Free-Trade*, p. 126.

251. Editorial in *Wednesday Review*, October 30, 1912. Vol. 8, p. 1011.
252. The English writers who are interested in securing raw material for English manufactures have suggested that the Indians take to farming exclusively rather than engage in any manufacturing. They seem to be greatly concerned about the Indian agricultural classes. They warn them on the one hand of the "unwholesome conditions of factory labour", and promise them on the other a "much greater return" from agriculture. See Alston's *Elements of Indian Taxation*, p. 70.
253. *Encyclopedia Britannica* (Eleventh Edition) Vol. 10, p. 168.
254. Alston's *Elements of Indian Taxation*, p. 43.
255. Dr. Harold H. Mann in his paper on *Agriculture in India* in the *Report of the First Indian Industrial Conference*, 1905, p. 38.
256. Hunter's *Bombay*, p. 225.
257. Cotton's *New India*, p. 53.
258. *Laws of Manu*, IX, 44.
259. "At certain sacrifices the votary is told to bestow all his property on the officiating priests. The question is raised whether a King should give up all lands, including pasture lands, highways, and the rights of lakes and ponds. The answer is that a king has not property in the land, and cannot bestow it. His kingly power is for the government of the realm, but the right of property is not thereby vested in him, else he would have property in house and lands appertaining to his subjects. The lands of a kingdom cannot be given away by a King, but a house or field acquired by purchase, etc., may be given away".—Dutt's *History of Civilization in Ancient India*, Vol. I, p. 299.
260. See Hearn's *Historical Researches*, Vol. II, p. 263.
261. Mill's *History of British India*, Vol. I, p. 212.
262. Garner's *Introduction to Political Science*, p. 70.
263. In 1795 the permanent settlement was extended to the Benares districts, which now form a part of the United Provinces. In 1802 some portions of the Madras Presidency were also permanently settled. "Under these arrangements about five-sixths of the present Province of Bengal, one-eighth of Assam, one-tenth of the United Provinces, and a quarter of Madras, representing in all about one-fifth of the area of British India, are permanently settled."—*The Imperial Gazetteer of India*, Vol. IV, p. 229.
264. Howsin's *The Significance of Indian Nationalism*, p. 53.
265. Dutt's *Famines and Land Assessments in India*, p. IX, Preface.
266. Cotton's *New India*, p. 48.
267. Editorial in *Amrita Bazar Patrika*, April 30, 1912, Vol. 40, No. 18.
268. Seton-Karr's *The Marquess Cornwallis*, in *Rulers of India Series*, p. 70.
269. Sarkar's *Economics of British India*, p. 39.
270. Dispatch dated July 9, 1862, Paragraph 48, quoted in Dutt's *India in the Victorian Age*, pp. 284, 285.
271. Dutt's *Famines and Land Assessments in India*, p. X.
272. Mr. Dutt gives a concrete illustration to show that after rent is paid the farmer has nothing left for his labor as profit. He says that "in small farms, yielding a produce of about £12 in the year, the cost of cultivation and the profits of agricultural stocks approximate to £7 and £8, and the claim of the Government to £4 as Land-Tax is virtually a claim, not to 50 per cent, but to 100 per cent. of the economic rent".—*The Economic History of British India*, p. 170.
273. Nevinson's *The New Spirit in India*, p. 85.
274. Nash's *The Great Famine and Its Causes*, p. 242.
275. The sponsor of the bill in introducing the measure to the legislative council said: "It was not expedient that the general policy of the Government in relation to the land revenue should be questioned by the Civil

Courts''. Quoted in Dutt's *Famines and Land Assessments in India*, p. 48.

276. Lely's *Suggestions for the Better Governing of India*, pp. 51, 52.

277. Sarkar's *Economics of British India*, p. 34.

278. Sir Louis Mallet stated in 1875: "In truth, the fifty per cent of the net produce has been a mere paper instruction, a fiction which has had very little to do with the actual facts of the administration, and in practice the rates levied have often absorbed the whole rental, and not infrequently, I suspect, encroached on profits also".—Quoted in G. Subramania Iyer's *Some Economic Aspects of British Rule in India*, p. 47.

279. In 1907 Hon. C. J. O'Donnell, M. P. asked Secretary of State Morley as to the standard of assessment in the Central Provinces. Lord Morley replied:

"The rule at present in force in the Central Provinces is that the assessment should not be less than 50 per cent. of the assets, and should not exceed 69 per cent.; but in exceptional cases, if the existing assessment has hitherto exceeded 65 per cent., and been paid without difficulty, it is provided that the assessment shall be fixed at 65 per cent". Upon this statement of Morley, Mr. O'Donnell makes the following pertinent comment: "It, therefore, appears that 50 per cent. is the *lower* limit and it may be 65 if it can be paid without difficulty! We are always assured that the land-tax is light and always paid without difficulty, which perhaps explains the fact that in the Central Provinces over a million people disappeared—died of starvation, between 1891 and 1901, as admitted in the Census Report of the latter year".—O'Donnell's *The Causes of Present Discontent in India*, pp. 110, 111.

280. "The discouragement which a variable land-tax of this kind might give to the improvement of land, seems to be the most important objection which can be made to it. The landlord would certainly be less disposed to improve, when the sovereign, who contributed nothing to the expense, was to share in the profit of the improvement".—Adam Smith's *Wealth of Nations*, Vol. II, p. 423.

281. O'Donnell's *The Failure of Lord Curzon*, pp. 21, 22.

282. The following is an English translation of a Gujarati circular issued in 1900 by the collector of Broach in Gujarat for the guidance of the village revenue collectors:

"GOVERNMENT THROUGH MAMLATDAR OF ANKLESAR."

"The Talati and Patel of Mouje are informed that the Circular Order, No. 257, of April 14th, 1900, of the collector is as follows:—"I think it is in the minds of the people, that if Government assessment is not paid the lands will be forfeited, but they will be given back without payment. This belief is quite wrong, and it appears that it has produced a bad effect: therefore you are written to inform the people that if lands are forfeited for non-payment of Government dues, they will not be restored back; but they will pass with right of possession to persons who make the highest bids at the auction sales, and therefore they will lose their lands. You will make them understand this, and try to make revenue recoveries as early as possible; order to this effect has been received, therefore you should cause a public proclamation to be made for information of the people in this matter".—Quoted in Nash's *The Great Famines and Its Causes*, p. 67.

283. Nevinson's *The New Spirit in India*, p. 90.

284. Quoted in O'Donnell's *The Causes of Present Discontent in India*, p. 109.

285. The memorial is quoted in O'Donnell's *The Failure of Lord Curzon*, pp. 17, 18.

286. O'Donnell's *The Failure of Lord Curzon*, pp. 19, 20.

287. Quoted in the *Atlantic Monthly*, October, 1908, Vol. 102, p. 530.

288. *Atlantic Monthly*, October, 1908, Vol. 102, p. 530.
 289. Digby's *Prosperous British India*, Ch. 12.
 290. Lilly's *India and Its Problems*, p. 287. See also, Monier-Williams's *Modern India and the Indians*, p. 122.
 291. Famine is not a new phenomenon in the world to be specially associated with India. In the past, when men did not know how to fully utilize the natural forces, and when they were ignorant of the operation of economic laws, nearly every country was subjected to this scourge. Even in Great Britain there were the following:

11th Century	20 famines
12th Century	15 famines
13th Century	19 famines
14th Century	16 famines
15th Century	9 famines
16th Century	15 famines
17th Century	6 famines
18th Century	7 famines
19th Century	2 scarcities

These figures are given in an article on *India's Chronic Famines* in the *Outlook*, January 11, 1913, Vol. 103, p. 85.

292. Digby's *Prosperous British India*, p. 123.
 293. Digby's *Prosperous British India*, pp. 125-131.
 294. Mr. Surendra Nath Banerjea, at the Calcutta Congress of 1896.—*Report of the Twelfth Indian National Congress*, p. 132.
 295. Lilly's *India and Its Problems*, p. 289.
 296. These figures are compiled from the *Statesman's Year-Book*, 1912.
 297. *London Times*, March 24, 1911.
 298. The total mileage of railways in India is now 33,100 miles—Reported in *India for May*, 1912.

299. Nash's *The Great Famine and Its Causes*, p. 207.
 300. *Report on the Improvement of Indian Agriculture*. Quoted in Dutt's *The Economic History of British India*, p. 278.
 301. Mr. W. H. Moreland, Director of Land Records and Agriculture of the United Provinces, states that no important agricultural improvement can be made in India because of the lack of capital. He says:

"Go among the cultivators themselves, and ask each man what it is that he wants in order to make a larger income of his holding. You will find that nearly every answer is a request for capital in some form or other. One man wants a well, but cannot afford to make it: he wants capital. Another man wants more or stronger cattle: he wants the capital to buy them.... Another would grow wheat instead of gram if he could afford the seed: another would grow sugar-cane if he could pay for the labour needed: another would grow potatoes if he could get the manure. All alike are tied down by the want of capital which compels them to make an adequate use of their holdings".—*Report of the First Indian Industrial Conference*, 1905, pp. 44, 45.

302. This is how Mr. Nash describes life at a relief camp:
 "At three o'clock in the morning the women get up and begin to grind the grain for the midday meal. The refugees have spent the night in the open air—in Poona district no huts are provided for the rank and file—and the morning breeze, as I can testify, blows cold from the Ghauts, cruelly cold for the people whose only covering is a threadbare kamblī—a word which by courtesy seems to be translated blanket. Then perhaps, fuel has to be gathered, for it costs an anna a week to buy, or nearly a seventh of the week's wages; and when the bundle of sticks has been collected it is liable to be seized by the officer of the Forest Department. The officials in Khadkalla told me that such seizures had happened several

times. When work begins, the attractions of stone-breaking, however leisurely performed, are not obvious. The people are unused to the work, and the stones are hard to crack. I took the hammer from a little girl who was vainly trying to break a small lump of stone, but after thirty blows, directed, as I thought, with judgment, I gave it up and handed it to a ganger. It took the ganger another dozen strokes to split the stone into two or three bits, and these bits had again to be severally assailed before they would pass through the two-inch ring'.—Nash's *The Great Famine and Its Causes*, pp. 20, 21.

303. Major-General Sir W. H. Sleeman wrote:

"Respectable families, who left home in search of the favoured land of Malwa, while yet a little property remained, finding all exhausted, took opium rather than beg, and husband, wife, and children died in each other's arms. Still more of such families lingered on in hope till all had been expended; then shut their doors, took poison and died all together, rather than expose their misery, and submit to the degradation of begging. All these things I have myself known and seen".—Sleeman's *Rambles and Recollections of an Indian Official*, Vol. 1, p. 185.

304. See *Report of the Twelfth Indian National Congress*, p. 134.

305. Naoroji's *Poverty and Un-British Rule in India*, p. 386.

306. Dr. Charles Cuthbert Hall, President of Union Theological Seminary and Hackell Lecturer to India, writes:

"There is plenty of grain in India. The trouble is that the people have been ground down until they are too poor to buy it. Famine is chronic there now, though the same shipments of food are made annually to England, and the same drainage of millions of dollars goes on every year".—Quoted in *British Rule in India*, an open letter to Theodore Roosevelt, p. 28.

307. See Dilke's *Problems of Greater Britain*, p. 349.

308. Mr. A. H. Pritchard's letter to the writer, dated Melbourne, Australia, December 27, 1911.

309. *Cambridge Modern History*, Vol. 12, p. 625.

310. *The Annals of the American Academy of Political Science*, Vol. 34, pp. 413, 416.

311. *The Annals of the American Academy of Political and Social Science*, Vol. 34, pp. 416, 417.

312. Mr. A. H. Pritchard's letter to the writer, dated December 27, 1911.

313. "Labor in Natal has always been so scarce that had it not been for the incoming British Indians, there would have been little or no development of the sugar industry or of the coal mines, and most of the unskilled labor needed on the Government railways would have had to be imported from Great Britain".—*The Outlook*, March 4, 1911, Vol. 97, p. 486.

314. Quoted in the *Annals of the American Academy of Political and Social Science*, Vol. 34, p. 397.

315. Neame's *The Asiatic Danger in the Colonies*, p. 17.

316. *Madras Mail*, July 1, 1911, quoted in the *Indian Review*, July, 1911, Vol. 12, p. 560c.

317. "Outwardly it carefully avoids class legislation, for in theory it applies equally to Europeans and Asiatics. But in practice it operates against the Indian storekeepers. No white man is refused a license; Asiatics often suffer what they regard as injustice".—Neame's *The Asiatic Danger in the Colonies*, p. 35.

318. Section 180 of the Insolvency Law, No. 47 of 1887.

319. Polak's *The Indians of South Africa*, p. 8.

320. See Polak's *The Indians of South Africa*, pp. 9-20.

321. *Aryan*, June, 1912, Vol. II, No. 6.

322. Quoted in Neame's *The Asiatic Danger in the Colonies*, p. 98.

323. In answer to a questionnaire sent to the governors of the Cape of

Good Hope, of Natal, and of the Transvaal, the Minister of the Interior of South African Union wrote: "I have the honour to inform you that it is regretted that the information asked for cannot be furnished".—Letter No. 68-1102, dated November 26, 1912.

- 324. Bruce's *The True Temper of the Empire*, p. 149.
- 325. Neame's *The Asiatic Danger in the Colonies*, p. 113.
- 326. Metha's *M. K. Gandhi and the South African Indian Problem*, p. 12.
- 327. In referring to the character of the South African Indians, Sir Charles Bruce says, "with a long, varied, and intimate acquaintance of the Indian communities thus domiciled in our tropical colonies, I can bear testimony that, taking them generally, they are as faithful to their employers, as fair in their dealings, as obedient to the laws, and as loyal to his Majesty's throne and person as any community of the King's oversea dominions".—Bruce's *The True Temper of the Empire*, p. 162.
- 328. In a letter to the Honorable Dadabhai Naoroji, "the father of the Indian nation", the Indian immigrants wrote:

"Under the covenant, during the past two years and six months, over 2,500 Indians have suffered imprisonment, mostly with hard labour. Many homes have been broken up, many families have been ruined, in the struggle. Fathers and sons have gone to gaol at the same time, leaving behind them weeping wives and mothers. Many families are being supported from charitable funds raised by us. At the present time, nearly two hundred Indians are suffering from imprisonment for conscience's sake.

"The hardship felt has been so great that many have succumbed owing to sheer exhaustion. Others have left the Colony and are probably today starving. A resolute band of over 300 continues an active struggle. Some have passed through the Transvaal gaols five times".—Quoted in Polak's *The Indians of South Africa*, Part IV, Appendix A, p. 8.

- 329. Quoted in *The Modern Review*, 1908, Vol. 3, p. 555.
- 330. Neame's *Asiatic Danger in the Colonies*, p. 52.
- 331. Chiroli's *Indian Unrest*, p. 282.
- 332. Neame's *Asiatic Danger in the Colonies*, p. 115.
- 333. *Nineteenth Century*, May, 1904, Vol. 55, p. 714.
- 334. Payne's *An Experiment in Alien Labor*, p. 10.
- 335. Quoted in the *Amrita Bazar Patrika*, March 12, 1912.
- 336. "There is now a number of recruiting agents in the northern parts of the Madras Presidency who have done all that man can do to hedge the laborers as a preserve for them to plunder. Contractors are everywhere plundering and seizing the labourers and selling them for something like two hundred and ten rupees and more per head, of which the poor labourer receives not a pinch of salt. This, the very essence of scoundrelism, an absolute trafficking in human flesh, of which the responsible Government takes no notice, is tolerated everywhere, while schemes permitting of the labourer proceeding to the labour districts in a state that permits of all the comfort which he desires are sternly suppressed".—Editorial in *Capital*, quoted in *The Modern Review*, August, 1912, p. 214.
- 337. Metha's *M. K. Gandhi and the South African Indian Problem*, pp. 81, 82.
- 338. Millis's *East Indian Immigration to the Pacific Coast*, in the *Survey*, June 1, 1912, Vol. 28, p. 379.
- 339. *The Modern Review*, January, 1909, Vol. 5, p. 55.
- 340. *Report of the Royal Commission Appointed to Inquire into the Methods by Which Oriental Labourers Have Been Induced to Come to Canada*, 1908, p. 75.
- 341. Found in a pamphlet entitled *The Law and Regulations of Canada Respecting Immigration and Immigrants*, April 18, 1911, p. 45.

342. There have been many instances where Indian merchants, priests, students, and travelers have been denied admission into Canada, even for a short time.—See the pamphlet entitled *A Summary of the Hindu Question and Its Results in British Columbia*, pp. 9, 10.

343. The figures are compiled from Hopkin's *Canadian Annual Review of Public Affairs* (1911) p. 397.

344. Speaking of the Indians in Canada, Mr. Walter W. Baer, Editor of the *Victoria Times*, says:

"I challenge contradiction of the statement that the Sikhs who are taking the places of Japanese and Chinese as well as Montenegrin labourers in British Columbia are superior physically, mentally, morally, socially, and every other way to the races I have enumerated. Those who have come since their advisers in India have been here, inspected the conditions and are directing the immigration, are, in my opinion, more desirable than any class of Orientals or Asiatics of which we have had experience".—*Canadian Courier*, quoted in the *Indian Review*, July, 1912, Vol. 13, p. 600.

345. *Survey*, Vol. 28, p. 379.

346. In January, 1912, Mr. Bhang Sing, one of the directors of the Sikh Trust Company in Vancouver, and Mr. Balwant Singh, a missionary priest of the Sikh church at Vancouver, brought their wives from India. The Canadian officials forcibly separated these two men from their families and actually placed the women under arrest. After a detention of four months, the Canadian government allowed Mrs. Bhang Singh and Mrs. Balwant Singh to remain with their husbands. In doing this, the government took pains to explain that it was only an act of grace, an act of clemency, and it was in no sense intended to be established as a precedent for Indian immigrants to bring their families from India in future.—*Aryan*, June, 1912, Vol. III, No. 6.

347. Count Shigenobu Okuma, the late Prime Minister, and Minister for Foreign Affairs of Japan, says:

"I contend that, when a treaty Power seeks to enact a law restricting the immigration of our labourers, the terms of such restriction should be analogous and even identical with those applicable to the peoples of other great Powers or civilized countries".—Okuma's *Fifty Years in New Japan*, Vol. II, p. 573.

348. Forlong's *Faiths of Man*, Vol. III, p. 291. See also *The New Schaff-Herzog Religious Encyclopedia*, Vol. 10, p. 411.

349. *Aryan*, February, 1912.

350. Hadley's *Economics*, p. 337.

351. "Sometimes charges are made against the Indian traders of dishonest practices and suspicious insolvencies. These, however, are not substantiated, and should not receive credence. The greatest compliment to the upright dealings of the Indian is the fact, admitted publicly both in Pretoria and Durban, that the Indian can get credit from the wholesale firms when white traders are refused".—Neame's *The Asiatic Danger in the Colonies*, p. 51.

352. *The Indian Opinion*, quoted in Neame's *Asiatic Danger*, p. 126.

353. "Since their advent the Sikhs have been put to the hardest kind of work in this province. Many of them were farmers in their own country. Yet others were electricians, printers, car-drivers and conductors, policemen and artisans employed in the building trades. The labor unions of British Columbia and the difference of methods have prevented the latter from following their own avocations in this country, and, as a consequence, the Sikh has taken up such classes of work as are evaded by the white men, the Japanese and even the Chinese..... I know of a case where a Sikh is earning \$3.50 a day running a stumping machine at Tod Inlet, but the average wage for land clearing is not so high, about \$2.75 in fact.

They are engaged as laborers on railroad construction, receiving from \$2.25 to \$2.50 a day; as laborers in saw-mills and other industrial plants, where they are paid less, the remuneration ranging from \$1.50 to \$2.25 a day. Many of them are working on truck gardens and farms and at this work show great adaptability'.—*The Modern Review*, July, 1912, Vol. 12, p. 60.

354. Mr. R. N. Mudholkar appealing to Lord Minto said, "Indians are hated, as your Lordship's predecessor pointed out, on account of their very virtues. It is because they are sober, thrifty, industrious, more attentive to their business than the white men that their presence in the Colonies is considered intolerable".—Quoted in Chirol's *Indian Unrest*, p. 285.

355. Mitra's *Indian Problems*, pp. 212, 213.

356. *British Rule in India* in the *North American Review*, July, 1910, Vol. CXCII, p. 10.

357. Pollard's *The British Empire*, p. 633.

358. *The Chicago Daily Tribune*, September 10, 1914.

359. Quoted in Jebb's *The Imperial Conference*, Vol. I, p. 329.

360. Says a recent French writer: "The word country does not merely imply one's own native land. What really constitutes a nation is the remembrance of the past, its regrets, and above all its failures, and its sufferings, and, as regards the future, the pursuit of the same goal, the co-operation of wills and the communion of thoughts. This is the true meaning of the word 'nation'. It is this, far more than the identity of tongues, a common land and determined frontiers, that make a nation".—*The Indian Sociologist*, May, 1910.

361. Writes Sister Nivedita: "So far from there being any colour of truth in the statement that she has been 'hopelessly divided and sub-divided for thousands of years', the very reverse is the case. We do not regard the garden as divided against itself, because the flowers in it are of many different hues. Nor is India divided. She has, on the contrary, unfathomed depths of potentiality for common civic organization, for united corporate action".—*Revival of Religion* in Nivedita's *Selected Essays*, p. 149.

362. V. S. Srinivas Sastri in the *Indian Review*, August, 1912, Vol. 13, p. 632b.

363. Gettell's *Introduction to Political Science*, pp. 56, 57.

364. Beard's *American Government and Politics*, p. 20.

365. Dr. A. K. Coomarswamy writes: "Whereas the ambition of the nineteenth century reformers had been to make India like England, that of the later workers has been to bring back or create a state of society in which the ideals expressed and implied in Indian culture shall be more nearly realized".—Quoted in Smith's *A History of Fine Art in India and Ceylon*, p. 348.

366. "The inspiration of our Nationalism must not be hatred or self-seeking; but Love, first of India, and secondly of England and of the World. The highest ideal of nationality is service; and it is because this service is impossible for us so long as we are politically and spiritually dominated by any Western civilization, that we are bound to achieve our freedom".—Coomarswamy's *Essays in National Idealism*, IX.

367. See Vivekanand's *The East and the West*, p. 32.

368. The faith of the Brahmo Samaj at this time has been summarized by the Rev. J. N. Farquhar in the following six propositions:

"(1) God is a personal being with sublime moral attributes.

"(2) God has never become incarnate.

"(3) God hears and answers prayer.

"(4) God is to be worshipped only in spiritual ways. Hindu ascetism, temples, and fixed forms of worship are unnecessary. Men of all castes and races may worship God acceptably.

"(5) Repentance and cessation from sin is the only way to forgiveuess and salvation.

"(6) Nature and Intuition are the sources of knowledge of God. No book is authoritative".—Hasting's *Encyclopedia of Religion and Ethics*, Vol. II, p. 816.

369. Reinsch's *Intellectual and Political Currents in the Far East*, pp. 99, 100.

370. Keshab Chandra Sen, its most eloquent and devout follower, cherished respect for Christ; but he never accepted him as his personal Savior. In his lecture on "Christ and Christianity" in 1870, he said: "Christ never demanded from me worship and adoration that is due to God, the Creator of the Universe..... He places himself before me as the spirit I must imbibe in order to approach the Divine Father, as the great Teacher and Guide who will lead me to God".—Max Muller's *Chips from a German Workshop*, Vol. IV, p. 273. See also Bose's *History of Hindu Civilization During British Rule*, Vol. I, p. 151.

371. Arya Samaj may be described, in a word, as the Protestantism of India. Its founder, Dayananda Saraswati, is often compared to Martin Luther. "As Luther the German monk was a child of the European Renaissance, so Dayanand the Guzrati monk was a child of the Indian Renaissance. Both alike felt the tug of the 'Zeitgeist'. Both in their different ways became exponents of the new spirit. Luther attacked indulgences, while Dayanand attacked idolatry. Luther appealed from the Roman Church and authority of tradition to the Scriptures of the Old and New Testaments. Swami Dayanand appealed from the Brahmanical Church and the authority of *amriti* to the earliest and most sacred of Indian Scriptures. The watchword of Luther was 'Back to the Bible'; the watchword of Dayanand was 'Back to the Vedas'."—Hasting's *Encyclopedia of Religion and Ethics*, Vol. II, pp. 58, 59.

372. Lala Lajpat Rai, *The Arya Samaj, Its Aims and Teachings*, in *The Contemporary Review*, Vol. 97, pp. 612-618.

373. "The Arya Samaj", says Valentine Chirol, "represents in one of its aspects a revolt against Hindu orthodoxy, but in another it represents equally a revolt against Western ideals, for in the teachings of its founder Dayananda, it has founded an aggressive gospel which bases the claim of the Aryan, i. e. Hindu supremacy of the Vedas as the one ultimate source of human and divine wisdom. It proclaims the imminent superiority of Aryan civilization—it repudiates the term Hindu as savoring of an alien origin—over Western civilization".—*London Times*, August 12, 1910.

374. The principal beliefs of the Arya Samaj are contained in its Ten Principles:

"1. God is the primary cause of all true knowledge and of everything known by its means.

"2. God is All-truth, All-knowledge, All-beatitude, Incorporeal, All-mighty, Just, Merciful, Unbegotten, Infinite, Unchangeable, Without a beginning, Incomparable, the Support and the Lord of All, All-pervading, Omniscient, Imperishable, Immortal, Exempt from fear, Eternal, Holy and the Cause of the Universe. *To Him alone* worship is due.

"3. The Vedas are the Books of true knowledge, and it is the paramount duty of every Arya to read or hear them read, to teach and read them to others.

"4. An Arya should always be ready to accept truth and to renounce untruth.

"5. All actions must conform to virtue, i. e., should be performed after a thorough consideration of right and wrong.

"6. The primary object of the Samaj is to benefit the whole world, viz., by improving the physical, spiritual, and social condition of mankind.

"7. All ought to be treated with love, justice and with due regard to their merits.

"8. Ignorance must be dispelled and knowledge diffused.

"9. No one should be contented with his own good alone, but every one should regard his or her prosperity as included in that of others.

"10. In matters which affect the general social well-being of our race, no one should allow his or her individuality to interfere with the general good, but in strictly personal affairs everyone may act with freedom."—Rai's *The Arya Samaj*, pp. 101-102.

375. Oman's *Cults, Customs and Superstitions of India*, p. 182.

376. Read Professor Max Muller's *Life of Sri Ramkrishna* and Swami Vivekananda's *My Master*.

377. Nevinson's *The New Spirit in India*, p. 210.

378. Nevinson's *The New Spirit in India*, p. 210.

379. *The Ethical Conquest of India in the Forum*, Vol. 46, p. 292.

380. Swami Vivekananda, the man who represented Vedantism in the Parliament of Religions at Chicago in 1893, said: "One must learn sooner or later, that one cannot get salvation if one does not try to seek the salvation of his brothers".—Vivekananda's address on Saanyas: *Its Ideal and Practice in his Speeches and Writings*, p. 524.

Again in his lecture on *The Work Before Us*, he remarked: "We must go out, we must conquer the world through our spirituality and philosophy. There is no other alternative; we must do it or die. The only condition of national life, of awakened and vigorous national life, is the conquest of the world by Indian thought".—Vivekananda's *Speeches and Writings*, p. 563.

The present headquarters of the American Vedanta Society is in New York. It maintains a large publishing department. Within the last five years this department has issued 39,876 books and pamphlets dealing with the philosophy and religion of Vedanta. Besides New York, there are also Vedantic centres in Pittsburgh, San Francisco, Los Angeles, Washington, and a Peace Retreat in the mountains of Santa Clara County, California.—*The World Almanac and Encyclopedia*, 1916, p. 522.

381. The first Indian student to go to the United Kingdom for educational purposes was Dhujeebhoy Nowrojee, a Parsi, in 1843. Ever since, the stream of Indian students to Europe has been increasing by leaps and bounds. At present there are in Great Britain alone some 1700 or 1800 Indian students; of this number 125 are at Cambridge University, and 84 at Oxford.—See the article on *Indian Students in Great Britain* in the *Edinburgh Review*, January 1913, No. 443, pp. 138, 153.

382. The first newspaper in the Indian language was printed at Serampore, Bengal, in 1818. It was called the *Samachar Darpan* or the *Mirror of News*.—See P. N. Bose's *A History of Hindu Civilization During British Rule*, Vol. III, p. 49.

383. In the year 1911-1912 there were in India 2,781 printing presses, publishing 659 newspapers, 2269 periodicals, 2,659 books in English and 9,988 in Indian languages.—*The Indian Literary Year Book for 1915*, p. XI.

384. The first railway was constructed in India in 1848.—Wacha's *Indian Railway Finance*, Prefatory note, p. 11.

385. The Japanese Constitution was promulgated on February 11, 1889, and the first session of the Imperial Diet opened on November 29, 1890. Dodd's *Modern Constitutions*, Vol. II, p. 23. At the beginning Japan had no more experience in constitutional government than had India, and yet after 150 years of English tutelage, India is still regarded as unfit for representative government!

386. Andrew's *The Renaissance in India*, p. 4; Wilson's *An Empire in Pawn*, p. 86.

387. The traditional mental attitude of the European nations, who for centuries have sought to exploit Asia, is well expressed in the following ill-disguised refrain:

"The grand and mysterious Orient—it is ours, it is through us that its destiny is to be realized".—Quoted in Reinsch's *Intellectual and Political Currents in the Far East*, p. 4.

388. Cotton's *Presidential Address* in the *Report of the Twentieth Indian National Congress*, 1904, p. 45.

389. Mr. C. J. O'Donnell, M. P., has graphically pointed out how the partition was "opposed by every community and by every section of each community". He showed in his book that the measure was condemned from its inception.

"(1) By the Bengal Civil Service, i. e., by the officials charged with the administration of the Province.

"(2) By the whole Press, European and Indian, English and Conservative journals being specially vigorous in their hostility.

"(3) By the European and Indian merchants, through their respective Chambers of Commerce.

"(4) By the Hindu nobility, gentry, and peasantry.

"(5) By the Mussaiman nobility, gentry, and peasantry; and

"(6) By the educated classes of both communities, Hindu and Mus-salman".—O'Donnell's *The Causes of Present Discontent in India*, p. 8.

390. Gokhale's *Presidential Address* in *The Indian National Congress*, 1905, pp. 824, 825.

391. The fact that later on King George in his Delhi Durbar on December 12, 1911, reversed the partition of his own free will does not take away anything from the general contention that the public opinion in India is deliberately flouted by the government.

392. *The Indian National Congress*, pp. 829, 830.

393. Quoted from Donough's *A Treatise on the Law of Sedition and Cognate Offenses in British India*, p. 71.

394. Justicee Strachey gave this opinion in the famous trial of Mr. B. G. Tilak.—Editorial in the *Amrita Bazar Patrika*, Vol. 64, No. 22, May 28, 1912.

395. When the history of modern India comes to be written, there is sure to be a chapter dedicated to these noble martyrs. The names of these persecuted heroes who have done so much for the Indian National Movement are as follows: Lala Lajpat Rai, Director of the Dayananda Sareswati College at Lahore, and the Gurukula Bidaylai at Rishikesh, Hard-yar; Sardar Ajit Singha, a social and political reformer of Lahore; Aswani Kumar Dutta, proprietor and a professor of the Brajamohan Institution, Barisal; Pulin Behari Das, president of the Anushilan Shamy, and a teacher in the Dacca National School; Satis Chandra Chatterjee, a professor in the Brajamohan Institution, Barisal; Subodha Chandra Mallie, a generous supporter of the Bengal National College; Sam Sundar Chakrabarty, editor of the *Pratibadi*, and the *Power and Guardian*; Lalchandra N. Bose, Secretary of the Anushilan Shamy, Dacca; Krishna Kumar Mitra, editor of the *Shanjibani*, and a professor of the City College, Calcutta.

396. Gibbons *vs.* Ogden, 9 Wheaton 211.

397. United States *vs.* Cruishank, 29 United States 542, 1875.

398. Quoted from Donough's *A Treatise on the Law of Sedition and Cognate Offenses*, pp. 272a-272b.

399. Quoted from Donough's *A Treatise on the Law of Sedition*, p. 263.

400. Donough's *A Treatise on the Law of Sedition*, p. 263.

401. The following is the English translation of the Urdu notice served on the editor of *Jhan Sial* of the Punjab, demanding a security of one thousand rupees:

"Whereas it appears to the Local Government that the following sentences and articles have been published in your newspaper 'Jhan Sial', in respect of which a declaration was made by you under Section 5 of the Press and Registration of Books Act, 1867, which by these words or signs and other reasons violate Section 4, sub-section (1) of the India Press Act, 1910, you are hereby ordered under Section 8, subsection (2) of the Act to deposit with the District Magistrate, Jhang, a cash security of Rs. 1,000 within a week of the issue of the notice. The sentences and articles are as follows:

(1) Maharam days are fast approaching. Let the Hindus be vigilant. (Dated January 7th, 1911).

(2) The Mohammedans of Chiniot have not organized a procession.... this time, but they intend to do so on the 40th day of Maharam. The Police ought to be on the watch. (28th January, 1911).

(3) The soul of Guraji. (25th March, 1911).

(4) The song of the Aryan race. (1st April, 1911).

(5) Empty noise; the cult of Aga Khan and its degradation. (April 1st, 1911).

(6) The King will come out to India, but this will be of no avail. (May 13th, 1911).

(7) The magic effect of western civilization. (May 13th, 1911).—Quoted in the Editorial *Amrita Bazar Patrika*, March 26, 1912, Vol. 40, No. 13.

402. Quoted in the *Presidential Address of the Indian National Congress*, 1911.

403. Says Edmund C. Cox: "It is always advisable to look facts in the face. To cry peace when there is no peace may be easy; but to do so is as futile as to plough the sands of the seashore. India is seething with sedition. That, in plain English, is the gist of the matter. In Indian phraseology the voice of patriotism is abroad".—*Nineteenth Century*, December, 1908, Vol. 64, p. 941.

404. Goodnow's *Comparative Administrative Law*, Vol. II, p. 11.

405. Lord Curzon in his sixth budget speech (Legislative Council at Calcutta, March 30, 1904) openly stated that "the highest ranks of civil employment in India, those in the Imperial Civil Service, though open to such Indians as can proceed to England and pass the requisite tests, must, nevertheless, as a general rule, be held by Englishmen".—*Lord Curzon in India*, p. 143.

406. Dadabhai Naoroji's *Condition of India*, p. 55.

407. Burgess' *Political Science and Comparative Constitutional Law*, Vol. I, p. 89.

408. Bluntschli's *The Theory of the State*, pp. 320, 321.

409. Willoughby's *An Examination of the Nature of the State*, pp. 344, 345.

410. Mazumdar's *Indian National Evolution*, Appendix A; *The Cambridge Modern History*, Vol. XII, p. 494; *The Indian National Congress*, p. 5.

411. Cotton's *The New Spirit in India* in the *North American Review*, Vol. 183, p. 993.

412. Mody's *The Political Future of India*, p. 79.

413. See Dr. Rash Behari Ghose's *Presidential Address* at the Twenty-third Indian National Congress, 1907.

414. Mody's *The Political Future of India*, pp. 57, 58.

415. Nevinson's *The New Spirit in India*, p. 223.

416. Speech at Sterling, November 23, 1905.—Quoted in Mr. Dadabhai-Naoroji's *Presidential Address*, 1906, in *The Indian National Congress*, p. 885.

417. Even so hostile a critic as Lord Curzon once said: "Powerful empires existed and flourished in India while the Englishmen were still wandering painted in the woods. India has left a deeper mark upon the history, the philosophy, and the religion of mankind than any other territorial unit in the Universe".—Quoted in the *British Rule in India* (An open letter to Theodore Roosevelt), p. 12.

418. Mody's *The Political Future of India*, p. 81.

419. Mody's *The Political Future of India*, p. 82.

420. Mill's *Considerations on Representative Government*, p. 135.

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